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Legislative Institutions and Lawmaking in Latin America

Eduardo Alemán and George Tsebelis

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Introduction

Legislative Institutions and Agenda Setting

Eduardo Alemán

George Tsebelis

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Abstract and Keywords

This introductory chapter presents a framework to understand agenda setting and its policy implications. It argues that there are three dimensions of agenda setting: the partisan, the institutional, and the positional. The partisan dimension focuses on whether there is a cohesive majority in the policy-making institutions. The institutional dimension focuses on the specific provisions regulating who makes proposals and under what conditions they can be amended. The positional dimension focuses on the relative ideological positions of the legislative actors involved, because their positions along with their institutional prerogatives affect their ability to promote policy goals. The chapter explains the interaction between these dimensions and points out how each one of them is a sufficient but not a necessary condition for the production of outcomes conforming to the preferences of the actor(s) that hold the majority, or have agenda setting powers, or are centrally located. The chapter also outlines the book's organization.

Keywords: agenda setting, institutions, ideology, parties, proposal power, veto power, veto players

In democratic regimes the proposals introduced in the legislature, and the rules that structure their debate, shape legislative outcomes. The ability to influence the legislative agenda is a valuable resource to affect the direction and scope of policy change, as well as to prevent past policy gains from being altered.

Legislative and constitutional rules allocate formal prerogatives over the agenda

to various offices that political actors struggle to win. But the advantages entailed in controlling such offices can be checked by the need to reach out to other legislative actors. Presidents with extensive legislative powers can be constrained by the policy positions of their legislative allies, and weak presidents may be well positioned vis-à-vis other players to build successful coalitions to legislate. The analytical basis of this book rests on the idea that in order to understand legislative outcomes one has to study not only the prerogatives of some privileged actors, like presidents or congressional leaders, but also the interaction between the institutional setting and the policy positions of the actors involved in lawmaking.

This volume presents a framework to understand agenda setting and its policy implications. We argue that there are three dimensions of agenda setting: *the partisan*, *the institutional*, and *the positional*. The *partisan* dimension examines if there is a stable and cohesive majority in the institutions responsible for policy-making. The *institutional* dimension studies the specific provisions regulating who makes the initial proposal, and who can amend it under what conditions and by how much. In other words, it includes all the rules of legislative interaction either inside the legislature or among the institutional actors involved in the legislative process (legislatures, committees, political parties, and presidents). The *positional* dimension examines the relative ideological positions of all the actors involved, because their positions along with their institutional prerogatives can increase or decrease the ability to promote their policy goals.

(p.2) The way these dimensions of agenda setting are organized is (almost) lexicographic: in the case of cohesive partisan majorities, the institutional dimension will not be very influential. But in their absence (or if such majorities are weak, undisciplined, or not cohesive), one must focus on the institutions regulating the prerogatives of each actor. These rules, along with the relative positions of the actors, will shape policy-making outcomes. In the (counterfactual) case that agenda setting institutions did not exist, outcomes would be determined only by the actors' positions.

Consider the case of Mexico. In the heyday of the Partido Revolucionario Institucional (PRI) few paid attention to the specific institutional provisions inside the Mexican constitution. The will of the PRI was the rule. Yet, the same rules became highly consequential after the transition to competitive politics. For example, in December 2004, President Vicente Fox made use of the executive veto to introduce amendatory observations to a budget bill recently passed by Congress.¹ The president sought to modify changes introduced by Congress with which he disagreed. Congress responded by rejecting the validity of the president's move, and arguing that he could not exercise this institutional prerogative to amend the budget bill. President Fox responded by taking the case to the Supreme Court. Eventually, the Supreme Court resolved that the president had the right to exercise his veto prerogatives with regard to the

budget bill, and that Congress could insist on its original version of the bill only with the vote of a two-thirds majority. So, the institutional provisions of agenda setting became important (and contestable) only after the partisan dimension, PRI's solid single-party majority, changed.

Now consider the case of Argentina, where presidents moved from having a single-party majority to having a plurality comprising less than 50 percent of seats. In congresses where the largest party has only a plurality of seats, executive bills are more likely to be reported from committee and receive final passage when they are initiated by presidents who are closer to the median voter of the chamber (e.g., President Carlos Menem in 1990-1) than when they are initiated by those that are further away (e.g., President Fernando De La Rúa in 2000-1).² In general, proximity to the median voter of the chamber is particularly important for major bills. So in this case, the same institutions produced different results depending on the positions of the key political actors, which underlines why we cannot study institutions in a void; we need to supplement them with the policy positions of the different actors.

This book explains the interactions between the three dimensions of agenda setting. The chapters analyze the constitutional and congressional rules that allocate powers to propose and veto legislation, and discuss who the relevant political actors having these advantages are and how their policy positions and relative strengths influence legislative decision-making. The volume covers **(p. 3)** seven Latin American presidential countries: Argentina, Brazil, Chile, Colombia, Mexico, Peru, and Uruguay. They are all major Latin American countries that offer wide variance in terms of legislative institutions and the ideological position of relevant actors. In terms of partisan majorities, some of the countries we study, like Argentina and Mexico, had single-party governments; others, like Brazil and Colombia, had majority coalitions; and still others, like Chile and Peru, had government coalitions that fell short of controlling a majority of congressional seats. Some, like Chile, Uruguay, and Brazil, give presidents substantial agenda setting powers, while others, like Mexico and Argentina, give their presidents more limited authority. We study the positions of the different actors and relate them to legislative outcomes.

The volume extends the range of comparative legislative studies to cover recently democratized countries in Latin America. The legislatures considered here are not new. They already had lengthy histories which included highly elaborated institutional traditions that preceded the establishment (or re-establishment) of solid and full-scale competitive electoral systems over the past few decades. But democratization enhanced the autonomy of these congresses and placed them in a much more pivotal position at the heart of the political process. Previously marginal questions of legislative procedure became of keen public interest, and began to play a much more determinate role in decision-making and resource allocation. In consequence, both professional politicians

and informed opinion came to pay more attention to the intricacies of the institutional rules and their policy consequences. This has created new demands for precise analysis of how laws are proposed, debated, amended, and approved, all questions that are of central importance for the evaluation of democratic outcomes. On the one hand, these newly democratized legislatures have come to display many of the features already in evidence in longstanding presidential democracies (notably the United States). On the other hand, the range of variation uncovered by our multi-country analysis generalizes from and adds extra elements to established findings in the legislative studies literature.

While there has been an increase in research focused on Latin American legislative politics during the last two decades, the study of congressional rules and lawmaking remains scant. The chapters of this volume discuss the implications of institutional and positional variables for lawmaking outcomes. We illustrate some of these effects with legislative data on the initiation and passage of ordinary and major legislation, the issuance of vetoes, and recorded roll call votes.³

Understanding the institutions that regulate the congressional agenda is important because these institutions allocate power to affect political outcomes. Consider the case of a president elected with a popular mandate to **(p.4)** reform legislation along some policy dimension. If agenda setters in congress have the power to prevent bills from reaching a plenary vote and want to preserve the status quo on this particular policy matter, then no change would take place despite the president's efforts.⁴ However, if the president has the authority to force items into the congressional schedule, then she can pry open the gates and force the plenary to choose between the bill and the status quo.

The rest of this introductory chapter is divided into seven parts. The first provides a brief review of the literature on agenda setting in presidential countries. The second elaborates on our argument that analyses should be based not only on institutional rules, but also on the policy positions of the actors involved. The third, fourth, and fifth parts discuss the institutional dimension of agenda setting power in Latin American presidential countries. The sixth part addresses the positional one, while the seventh part presents our expectations and introduces the individual country chapters of the book.

Legislative Rules and Agenda Setting

Legislative agenda setting involves proposal, amendment, and veto power, as well as influence over the timing of bills. Positive agenda setting refers to the right to make proposals or bring amendments to consideration, while negative agenda setting or veto power refers to the ability to prevent bills or amendments from being introduced or from moving forward in the legislative process (McCubbins 2001). Agenda setting rules may be entrenched in the constitution or may be part of the congressional rules of procedure and subject to majority

change. As Cox (2001: 187) has argued, “legislative rules have effects because they distribute real resources whose effects cannot be undone without incurring real costs in time and effort, because they confer benefits that parties find worth preserving through extra-legislative means, and because they are sometimes entrenched legally.”

We discuss agenda setting on the basis of the three dimensions we introduced in the first part. The partisan dimension of agenda setting stresses the differences between a unified majority and other types of governments. The literature on parliamentary governments has remarked on the cohesive character of single-party majority governments, which can pass their legislative programs without the need to resort to the institutional tools of agenda setting. Different authors have debated whether the disciplined character of single-party and coalition governments in parliamentary systems stems mainly from the vote of confidence (e.g., Diermeier and Feddersen 1998), or the prevalent **(p.5)** electoral incentives (e.g., Cheibub 2007). The literature on presidential countries, however, rarely considers government majorities as unitary cohesive actors.

Studies of the legislative consequences of unified and divided government in the United States inform us about the impact of positional differences between Congress and the president. Authors have analyzed the implications of divided government on the number of major laws passed (Howell et al. 2000), the share of bills approved (Binder 2003; Edwards et al. 2007), the number of presidential vetoes (Cameron 2000), and fiscal (McCubbins 1991) and trade policy (Lohmann and O’Halloran 1994). Their findings suggest divided government lowers legislative success and (less evidently) productivity, increases the incidence of presidential vetoes, and may be associated with greater budget deficits and more protectionist policies. But even under unified government, the lack of party cohesion leads to substantial presidential defeats in the legislative arena, and congress amends a significant part of the president’s legislative program that becomes law (Rudalevige 2002; Peterson 1990). These presidents do not govern without constraints or conditions. Comparative analyses of presidential countries have underlined the greater legislative success of executives in single-party governments vis-à-vis others, but even in this favorable scenario around 30 percent of executive proposals fail to become law (Cheibub et al. 2004; Saiegh 2015), and as the chapters in this volume will show, most major bills that pass are amended by congress. Moreover, cross-national studies have also shown that majority coalitions in presidential countries are not more successful than minority governments at enacting the executive’s legislative program (Saiegh 2015). This is why agenda setting institutions are highly consequential for legislative outcomes in presidential countries, and why we need to study the policy positions of the different actors involved in lawmaking.

In terms of the institutional dimension, the analysis of how legislative institutions allocate power over the agenda began with studies of the US Congress. There is an empirically rooted literature that examined legislative offices with authority over the agenda long before the 1970s. These works analyzed how facets of permanent and conference committees (e.g., the scheduling power of the Rules Committee and the influence exerted by congressional leaders) influence the agenda (Steiner 1951; Robinson 1963; Patterson 1963; Hinckley 1970; Vogler 1970; Fox and Clapp 1970). These authors had already recognized that controlling key legislative offices influenced political outcomes. However, it was the finding that majority rule in multi-dimensional choice settings most often led to unstable results (Plott 1967; Kramer 1973; McKelvey 1976; Schofield 1978) that spurred the modern wave of studies on legislative agenda setting. This powerful argument from **(p.6)** formal theory not only implied that legislative outcomes were potentially unstable and easily susceptible to change, but also that an agenda setter with sole authority over what is voted could effectively control the direction of policy change (Plott and Levine 1978).

Several works within what became known as the new institutionalism addressed these implications. Regarding the more general notions of instability, Shepsle (1979) argued that a jurisdictional arrangement and germaneness rules—both typical of most legislatures—can make most issues one-dimensional, in which case the predictable outcome under majority rule (and open rules for amendments) would be the median position (Black 1948). The influence of agenda setters in legislatures was underscored by an emerging body of institutionalist works. Numerous studies examined the gatekeeping and proposal powers of committees under so-called open and closed rules (Denzau and Mackay 1983; Sinclair 1986; Shepsle and Weingast 1987; Weingast 1989; Crombez et al. 2006), the strategic use of scheduling power (Webb Yackee 2003), and the veto power of majority parties (Cox and McCubbins 2002, 2005; Gailmard and Jenkins 2007; Stiglitz and Weingast 2010) and the president (Cameron 2000; McCarty 2000). Cox and McCubbins (1993) look at the membership of “privileged” committees (i.e., those that can circumvent the Rules Committee more easily) and find that the majority party stacks these committees with loyalists.⁵

The consequences of agenda power have also been evaluated by analyzing roll call votes. For instance, Cox and McCubbins (2002, 2005) examine the veto power of the majority party by looking at partisan rolls (i.e., votes where most members of the majority party vote Nay on a successful final passage vote), while Carson et al. (2011) examine individual roll rates. Evidence that majority parties are seldom rolled (less than 5 percent of the time) and that legislators from the majority party are significantly less likely to be rolled tends to support partisan theories of agenda setting.⁶

The work on the positional dimension is sparse. The literature on “conditional party government” explicitly recognizes variation in preferences within parties as the most important consideration affecting whether or not legislative party leaders will be given strong powers and supported when those prerogatives are actually exercised (Aldrich and Rohde 1998, 2001). The party controlling agenda setting offices is expected to use the prerogatives at its disposal more often when levels of intra-party cohesion are relatively high and party preferences are relatively far apart. Finocchiaro and Rohde (2008) use roll call data on procedural matters and find that the majority’s ability to control the special amendment rules process and use it to the disadvantage of the minority depends on the homogeneity of the majority party. Dion and Huber (1996) also consider the ideological positions of key actors and argue **(p.7)** that when the Rules Committee in the US House of Representatives and the permanent committee reporting the bill are on the same side of the floor median, bills are more likely to be voted under restrictive rules than if they are on opposite sides. They find that when the Rules Committee and the floor median have divergent preferences, the allocation of special rules followed their expectations. Closer to the approach of this book is the notion of “conditional agenda setting” introduced by Tsebelis (1994) in his study of the European Union, and Tsebelis and Alemán (2005) in their study of Latin American constitutions. These approaches trace bills as they are moved from one institution to the other, and focus on both agenda setting rules and the positions of the different actors.

While several analyses of agenda setting institutions and their consequences have focused on parliamentary countries (Doering 1995; Huber 1996; Strøm 1998; Tsebelis 1999; Rasch 2000; Cox et al. 2000; Heller 2001; Cox et al. 2008; Rasch and Tsebelis 2011) and the European Union (Tsebelis 1995; Crombez 1997; Tsebelis et al. 2001; Hix 2002; König and Slapin 2006; Proksch and Slapin 2011; Tsebelis and Ha 2014), there are comparatively few works examining legislative agenda control and its implications in Latin American presidential democracies. A central goal of this book is to contribute to fill this gap.

So far, most works on Latin American legislative institutions have focused on the powers of the president, including executive decrees, budgetary authority, and various types of vetoes (Shugart and Carey 1992; Metcalf 2000; Negretto 2009). The distribution of agenda setting power inside congress has been less studied than presidential prerogative, but there is an emerging literature focused on congressional institutions, including works on congressional committees, gatekeeping, and agenda control by congressional majorities.

Works focused on Latin American countries have shown how vetoes, amendments, decrees, and urgency motions facilitate presidents achieving their lawmaking goals, while constraining the actions of congressional actors in various ways (Carey and Shugart 1998; Reich 2002; Negretto 2004; Tsebelis and Alemán 2005; Pereira et al. 2005, 2008; Alemán and Navia 2009; Palanza and Sin

2013). For example, the extensive budgetary powers of the Chilean president have worked to favor the spending preferences of the executive over the legislature (Baldez and Carey 1999), while those of the Brazilian president have helped when the government negotiates the support of individual legislators (Pereira and Mueller 2004a). Overall, there is evidence that the economic powers of executives tend to reduce budget deficits, at least when combined with legislative electoral rules that emphasize the personal vote (Hallerberg and Marier 2004). Fewer studies have concentrated on committees. Finocchiaro and Johnson (2010), in their study of bill assignment and reporting in Colombia and Costa Rica, show that Speakers can kill a bill by **(p.8)** assigning it to the “wrong” committee and cast doubt on the effect of partisan characteristics on the type of bills killed/reported by committees. Pereira and Mueller (2004b) present evidence from Brazil that suggests bills coming from outlying committees (vis-à-vis the median legislator) are more likely to have been brought to the plenary floor under urgency requests. Alemán and Pachón (2008) describe the significant advantages given to conference committees, and show how in Colombia the chamber’s directorate stacks conference committees, while in Chile permanent committees benefit from less discretionary assignment rules.

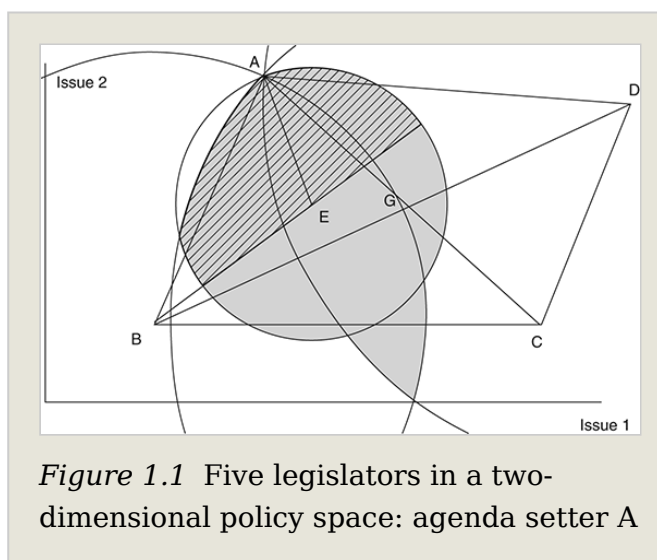
Other works have examined partisan roll rates, searching for the implications of agenda setting power by majority parties or coalitions. So far the evidence suggests that leaders of the governing majority party in Argentina and the governing coalition in Chile use their authority over the legislative agenda to effectively prevent changes that would have the effect of making a majority of party (or coalition) colleagues worse off (Alemán 2006; Jones and Hwang 2005). In Brazil, it is not evident that presidents who form majority coalitions necessarily form “agenda cartels” with their coalition partners (Amorim Neto et al. 2003).

To sum up, the literature on agenda setting and legislative institutions that began in the late 1970s has had a tremendous impact in moving legislative research forward. Most analyses, however, have focused on the particular institutional and partisan make-up of the US Congress, which, according to Gamm and Huber (2003), has weakened our understanding of other types of legislatures. Latin American countries provide needed variation along the institutional and partisan dimension. The literature on legislative politics in Latin America has begun to address in more detail some of the institutions peculiar to non-US presidentialism. However, this body of work is still thin. This book contributes to the literature in two ways. First, it systematically addresses the rules that influence the legislative agenda and expands the theoretical approach by underscoring the interaction between institutions and policy positions. Second, the chapters in the book derive and test particular implications using extensive legislative records.

The Interaction between Policy Positions and Agenda Setting

In the models that follow, we will examine the rules of agenda setting and the positions of the different actors. If there is a partisan majority, then the **(p.9)** corresponding actors will have identical positions and all the results are going to be corroborated in a trivial way. However, as we said, even in the case of a single-party government, the absence of party cohesion makes this majority nominal only, so the detailed study of institutions and positions is necessary. The institutional dimension is determined on the basis of which actors have the authority to shape (or prevent the shaping of) legislative proposals. This relates to both presidential agenda setting and the distribution of agenda setting power among legislative offices. The positional dimension of agenda setting power is defined by how much discretion agenda setters have to exercise their authority given the relative policy position of other relevant legislative actors. The following two figures will make this point clear.

Figures 1.1 and 1.2 present an idealized legislature composed of five legislators or parties (A, B, C, D, and E) in a two-dimensional space. Let us assume (in the case of parties) that they have approximately the same strength, so that three out of the five actors are required to form a majority. The positions of the actors are identical in the two figures. One of the parties is centrally located (E) and the other four are in the periphery of the policy-making space. We will also assume that each one of the players prefers outcomes closer to his own policy position over outcomes further away (has circular indifference curves). In Figure 1.1, A can make a proposal to the whole legislature, while in Figure 1.2 proposal power is given to the centrally located E. In order to **(p.10)** start the discussion, let us assume that in each case the agenda setter is proposing to the floor his own ideal point for consideration.



Both figures present the set of points that a majority would prefer over the agenda setter's proposal (the winset of A in 1.1 and the winset of E in 1.2). In Figure 1.1 we identify this winset by drawing the circles with centers B, C, D, E going through point A, and locating the intersection of three out of the four of them. In Figure 1.2 we find the intersection of three out of the four circles around points A, B, C, and D. We will examine three different agenda setting rules: (i) a closed rule means that the agenda setter makes a take-it-or-leave-it offer to the legislature (no amendments possible); (ii) an open rule means that any member of the legislature can offer amendments to the proposal; and (iii) an "amendatory observation" (Tsebelis and Alemán 2005) means that the agenda setter has the power to offer the last amendment.

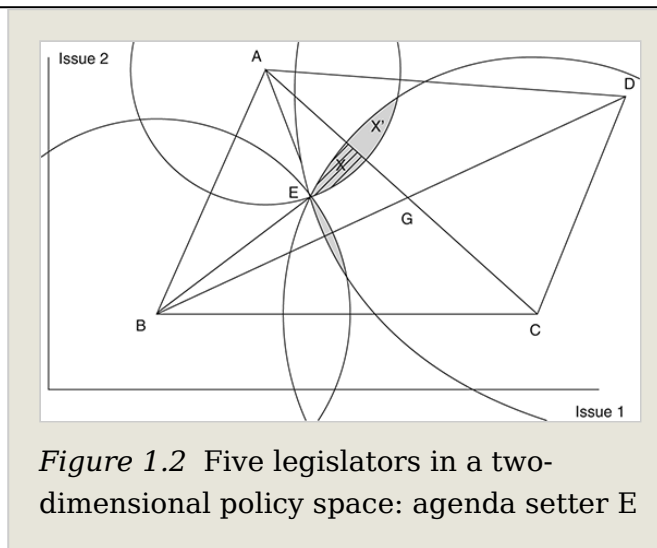


Figure 1.2 Five legislators in a two-dimensional policy space: agenda setter E

Closed rule: If the status quo is located outside the winset of A (Figure 1.1) or E (Figure 1.2), then the agenda setter can propose his own ideal point and win in an up or down vote. If the status quo is located inside the winset of A (Figure 1.1) or E (Figure 1.2), then the agenda setter cannot have his own ideal point adopted by the legislature. This latter scenario does not mean that the agenda setter cannot improve the situation at all. He could calculate the winset of the status quo, $W(SQ)$, and propose among all its points the one that is closest to his own ideal point. And here is the first consequential comparison of the two figures that we can make: the winset of point A (Figure 1.1) is much **(p.11)** larger than the winset of point E (Figure 1.2). This is because E is centrally located inside the legislature, while A is in the periphery. Consequently, under closed rules, the centrally located agenda setter E is more likely to win acceptance for proposals that move policy closer to his ideal point than the more peripheral agenda setter A.

Open rule: When all actors can offer amendments, anything inside $W(SQ)$ can be adopted (in Figure 1.2 this is the two shaded lenses in the center of the figure, while in Figure 1.1 it is the more complicated area which we shaded). This includes outcomes that the agenda setter prefers the least. Consequently, under open rule, E should be more likely to end up with an outcome closer to his own preferences than A.

Amendatory observation: The ability to introduce “amendatory observations” (i.e., amendments) to legislative proposals at the final stage gives the agenda setter a last line of defense. If he sees a particular unwanted amendment prevailing, he can still make a last counter-proposal, and he will prevail as long as it is inside the winset of this amendment.

For example, if, in the case of Figure 1.2, the legislature is about to adopt the point X' , the agenda setter E can propose X and have it accepted. As long as X is symmetric to X' with respect to a line connecting two of the parties and having two parties on one side of it and one party on the other, X will be preferred by a majority over X' .⁷ Such lines are AC and BD in Figure 1.2 (and BE in Figure 1.1). The hatched part inside the shaded areas shows where the agenda setter could move the final outcome given his ability to respond with a final “amendatory observation.” Again, a comparison between the hatched parts inside the shaded areas in Figures 1.1 and 1.2 indicates that with “amendatory observations”—or any other similar procedure that allows agenda setters to “fight fire with fire” (Weingast 1992) by introducing a last proposal—the centrally located agenda setter E is better positioned to move the final outcome closer to his ideal point than the more peripheral agenda setter A . The advantage of E increases even more if his policy position moves closer to the intersection G of the lines connecting legislators (A and C) and (B and D). Indeed, as E moves closer to G , the two lenses composing the winset of E (Figure 1.2) shrink until they become empty (actually the winset of G is empty). In other words, if the agenda setter happens to be located at point G , his proposal will be able to prevail no matter what agenda setting rule is in place.

To conclude, for all three models (closed rule, open rule, and conditional agenda setting), an agenda setter located close to the center of the policy space is more likely to get a point close to his own ideal point adopted than an agenda setter located in the periphery. We considered two absolute extremes in the agenda setting scale (the closed rule where the agenda setter has absolute **(p.12)** proposal power, and the open rule where anything the agenda setter proposes can be altered) as well as one presidential prerogative with a wide range of variations (as we will see in what follows). We have not proven that our argument is true regardless of the institutional provisions. However, the underlying argument revolves around the size of the winset of the agenda setter’s ideal point: the larger this winset, the more likely it is that some point far from the agenda setter’s ideal point will be adopted. Points closer to the center of policy space have smaller winsets. So, the distance between the final outcome and the ideal point of the agenda setter depends not only on the institutions prevailing, but also on the position of the agenda setter. A corollary to this view is that the weaker the formal prerogatives over the agenda the more important locational advantage becomes.

The country chapters that follow will address not only the institutional rules under which policy-making is performed, but also the relative policy positions of the actors involved in lawmaking. The chapters use one-dimensional models instead of the two-dimensional one we present here. There is a reason for this simplification in the empirical chapters: they use aggregate data, and therefore all the variation is in the dominant left-right dimension. There is also a reason for a presentation of a two-dimensional model in this introductory chapter: we make a point that holds, regardless of the number of dimensions, and consequently we want to enable researchers who wish to study specific (multi-dimensional) bills to know that they can apply the arguments and conclusions of this introduction in their own research. In other words, what we say here holds regardless of the number of relevant policy dimensions, and the subsequent chapters apply it to one-dimensional settings.

The Power to Obstruct

The main goal of veto (or negative agenda setting) power is to preserve past gains.⁸ Once political actors achieve policies close to their own ideal ideological positions, holding veto power becomes particularly important. It is helpful when threatened with unwanted policy change since it allows an agenda setter to protect the status quo (or the reversionary outcome). Prerogatives, such as gatekeeping and the executive veto, epitomize this power. The former prevents bills from moving forward in the legislative process or from being introduced in the first place, while the latter implies a wholesale rejection of a bill.

(p.13) Gatekeeping

In several Latin American countries, only the president can initiate legislation in certain policy areas. Monopoly to initiate certain policies implies authority to preserve the status quo.⁹ Exclusive initiation rights make presidents gatekeepers of the status quo in those particular areas of policy determined by the constitution. The scope of the president's exclusive power of initiation varies by country, but it is usually circumscribed to economic legislation and proposals to alter the government bureaucracy.

For example, in Brazil only the president can initiate bills related to tax and budgetary matters, the public administration (appointments, raises, structure, and scope of authority), the executive cabinet (establishing new ministries, cabinet structure, and jurisdictional powers), the organization of the judiciary, the Public Ministry, and the Public Defender. In Chile, only the president can introduce bills related to the political and administrative division of the country, retirement and pension benefits (establishing, modifying, or increasing benefits), the minimum wage, collective bargaining, social security, and most tax (establishing, reducing, or condoning taxes, establishing or modifying tax exemptions) and spending matters (modifications to the budget bill). In Colombia, the president has exclusive initiation powers over bills related to the Central Bank, foreign trade, public administration (including salaries), and the

executive cabinet (establishing, eliminating, or merging ministries), as well as those that establish public expenditures and the multi-year National Development Plan. In Uruguay, only the president can initiate bills that set the minimum wage, establish price controls, allocate or increase pension or retirement benefits, create employment in the public sector or raise public employees' wages, and give tax exemptions. In contrast, countries such as Argentina and Mexico do not give their presidents exclusive initiation powers over significant areas of policy aside from the right to introduce the budget bill.

Agenda setters inside congress, such as the chamber's directorate (*Mesa*), can also have gatekeeping power. They may, for instance, have the power to prevent a bill from being scheduled for a plenary vote. Avenues to override such decisions usually exist, such as a force discharge, but are typically costly and occasionally require high thresholds. It is more common for bills to die in committee. In some countries committees have pre-established deadlines to issue bill reports, but these are not usually enforced. Presidents may also open the committee gates when they have the authority to declare a bill urgent.

(p.14) President's Block Veto

In the US literature, the veto is the quintessential presidential power. An absolute or block veto allows the president to reject the entire bill, thereby preserving the status quo. The power to veto significantly restricts the outcomes of the policy-making process, as Figure 1.3 demonstrates (Tsebelis and Alemán 2005).

The figure shows the status quo and an oval representing the set of points that defeats it (the winset of the status quo). In this simple model, it does not matter whether Congress is unicameral or bicameral. The legislature can select any point within the winset of the status quo ($W(SQ)$) as the final outcome of legislation. If the presidential veto requires a qualified majority to be overruled, this qualified majority *may* prefer some set of outcomes over the status quo. We call this set $Q(SQ)$, which we also draw in Figure 1.3. Of course, this set may be empty (this is why we used the word “may” in the previous sentence). The presidential veto restricts the final outcome to the set $Q(SQ)$

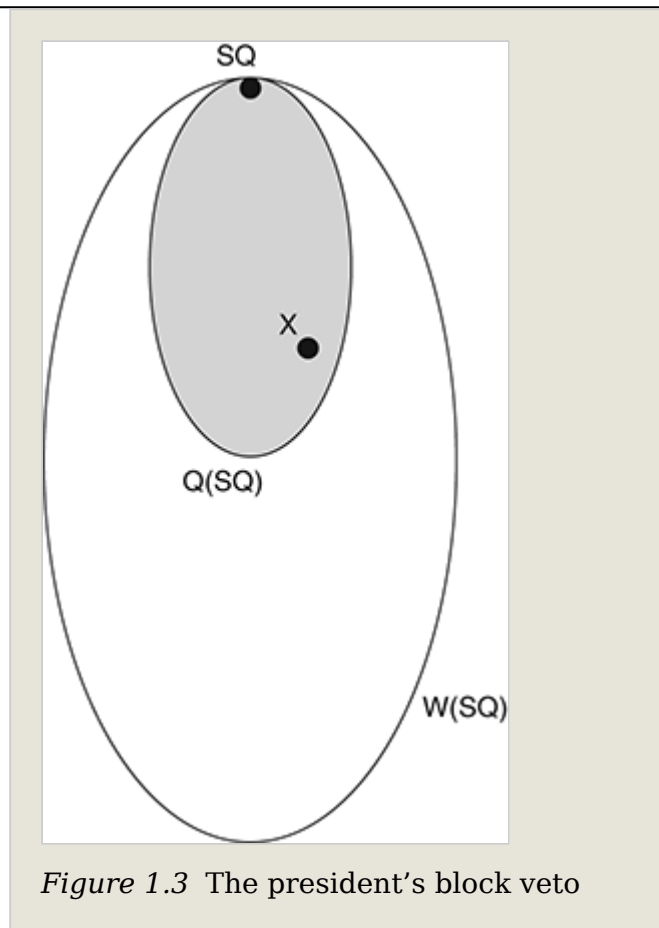


Figure 1.3 The president's block veto

instead of permitting any outcome inside $W(SQ)$ to prevail. If Congress proposes an outcome inside $Q(SQ)$, such as X in Figure 1.3, the president's **(p.15)** veto (if exercised) would be overridden. If $Q(SQ)$ is empty (because there is a sufficiently large minority in Congress that agrees with the president), then the presidential veto becomes final. As long as Congress cannot muster a majority large enough to override the president, a new bill cannot be enacted into law.

Thus, presidential veto power forces congress to consider the president's position vis-à-vis the status quo and the bill likely to be enacted. Veto threats, which make legislative goals deemed unacceptable to the president public, should persuade congressional actors to modify their course of action and re-evaluate the content of legislative proposals.

Qualified-majority thresholds necessary to override a veto increase the president's power over simple or absolute-majority thresholds. Constitutions in countries such as Argentina, Chile, Mexico, and Uruguay require qualified majorities to override a presidential veto. In Brazil, Colombia, and Peru, for example, constitutions require an absolute majority for overriding the president's veto.

President's Partial Veto

Partial vetoes can be conceptualized in two ways. One is to consider just the vetoed (i.e., deleted) part of the bill. Then, the mechanism is similar to the block veto, where congressional outcomes are restricted to the Q(SQ) area of the part of the bill that the president partially vetoed. This conceptualization may fit well with the rules regulating the Argentine and Brazilian partial veto, which include the partial enactment of the bill (i.e., the non-deleted parts). In these countries, congress deals only with the objected part. The default outcome if congress does not override the veto is the bill without the sections deleted by the president.¹⁰

A second way to conceptualize the partial veto is to consider the entire partially vetoed bill as an alternative proposal to the bill without deletions. Then, the mechanism becomes a restricted version of the amendatory observation procedure, which is described in the following section. It is restricted because the president can only amend the bill sent by congress through deletions (additions or modifications are not permitted). This conceptualization fits well with the legislative rules in place in Colombia, where Congress has to choose between the partially vetoed bill and the bill without such deletions, or else the status quo prevails.

(p.16) The Power to Propose

Positive agenda setting power has to do with the ability to make offers under a favorable institutional context. The ability to impose limits on the amendments that can be offered to bills is particularly important for agenda setters. An example of restrictions regarding the extent to which legislative proposals can be changed is the germaneness rules that forbid amendments that touch on policy areas not addressed by the bill being debated. At least as relevant, but less common, are mechanisms that permit agenda setters to make take-it-or-leave-it offers to the full membership. Other relevant prerogatives have to do with the advantages agenda setters may have to respond to amendments they dislike when operating under “open” rules (i.e., rules that allow legislators to offer amendments to bills).

Amendatory Observations

Many Latin American presidents have the power to offer one more round of amendments after congress passes a bill. Constitutions incorporate this prerogative as part of the president's veto power. These amendments—*observations* to a vetoed bill—are returned to congress for an up or down vote. Presidents in Chile, Mexico, Peru, and Uruguay, among others, have the power to introduce these “amendatory observations.” The right to introduce germane amendments to vetoed bills gives the president the opportunity to make a last counter-proposal, and given that the set of possible responses is usually wide, a strategic president can take the initiative and respond with a modified bill that is better for congress to accept than to reject.

Table 1.1 Amendatory observations and partial vetoes

Country	Type	Override requirement	Default	Feasible set and outcome
Colombia	partial veto	> 1/2 of members	SQ	$X \in W(B) \cap W(SQ) = X$
Brazil	partial veto	> 1/2 of members	X	$X \in W(B) = X$
Argentina	partial veto	$\geq 2/3$ of votes	X	$X \in NQ(B) = X$
Peru	partial + amendatory	> 1/2 of members	SQ	$Y \in W(B) \cap W(SQ) = Y$
Mexico	partial + amendatory	$\geq 2/3$ of votes	SQ	$Y \in NQ(B) \cap W(SQ) = Y$
Chile	partial + amendatory	$\geq 2/3$ of members	X	$Y \in NQ(B) \cap W(X) = Y$
Uruguay	partial + amendatory	$\geq 3/5$ of votes	Y	$Y \in NQ(B) = Y$

Table 1.1 presents the rules for the countries studied in this volume. The first column lists the countries and the second the type of executive veto. In seven countries presidents can partially veto a bill, and in four countries they can also introduce amendments. The third column of the table indicates the required majority to overrule the president and insist on enacting the bill congress first sent to the president (let's call this Bill B). In some cases it is simple majority, in others it is a majority of members, while in others it is a qualified majority of votes or members. The more stringent the majority requirement to overrule the president is, the more difficult it is to override the president. The fourth column refers to a rule that is even more significant for the president's influence: it determines the default solution if congress fails to either approve the president's amendatory observations or override. In **(p.17)** some cases the situation reverts to the status quo (SQ), in others it is the parts of the bill not modified by the president's amendments that become law (let's call this Bill X), while in others it is the bill as amended by the president that becomes law unless there is a qualified majority against it (let's call this Bill Y).¹¹ The last column of the table indicates the choice set for the president, and the expected outcome. For example, in Colombia, if the partially vetoed version of the bill (Bill X) is the intersection of the winset of the status quo ($W(SQ)$) and the winset of the bill ($W(B)$), then it will stand. In the rest, it is a more convoluted configuration, such as the set of outcomes that do *not* command a qualified majority against the bill ($NQ(B)$) (Tsebelis and Alemán 2005).

"Closed" Rules for Committee Proposals

The substantial advantages given to actors that can present take-it-or-leave-it proposals are well studied by the institutional literature. Unlike in the US House of Representatives, where "closed rules" are widely used to protect committee proposals from floor amendments, Latin American congresses usually allow individual legislators to offer amendments to most bills that come up for a plenary vote. The openness of the amendment procedure, however, varies across legislatures.

One instance where the norm is a "closed" rule (i.e., no amendments) is when conference committee proposals are brought to the plenary for a final vote. While permanent committees most often lack such power when first **(p.18)** reporting ordinary legislation, conference committees make take-it-or-leave-it proposals to the full chamber. The influence of conference committees as agenda setters is particularly relevant since it comes towards the end of the legislative process. In Latin America, only Colombia and Chile use conference committees to resolve inter-chamber disputes.

Sequencing Prerogatives

When operating under open rules, agenda setters (e.g., committees or a committee manager) can still make use of some mechanisms to mitigate unwanted outcomes from rival amendments. These involve giving the agenda

setter opportunities to respond to the amendments seeking to modify the reported bill in the plenary floor. It is not uncommon that an agenda setter, typically a committee manager, is given the opportunity to make the last counter-proposal. When agenda setters can offer the last amendment, they can evaluate what would potentially pass in the plenary floor and anticipate a threatening amendment by responding with another potentially successful one that moves the final outcome closer to their position (if such proposal exists). This mechanism shares fundamental properties with the presidential amendatory observations discussed earlier. The identity of the agenda setter, however, changes: it is the committee instead of the president.

One sequencing mechanism typically employed in Latin American congresses involves establishing a strict pre-filing requirement for amendments. By prohibiting new amendments during the bill's debate and requiring amendments to be revealed before a plenary vote, agenda setters (e.g., committees or bill managers) have the opportunity to evaluate their impact and when necessary respond with their own counter-proposal.¹² Pre-filing requirements, for example, are in place in the internal rules of congresses in Brazil, Chile, Mexico, and Argentina's lower chamber.

Executive Decrees

Some Latin American constitutions, under special circumstances, provide the president with the opportunity to legislate through decrees. These tend to go further into the legislative arena than the typical executive order in the US case. Constitutional scholars disagree about the extent to which decree power can be used to unilaterally legislate on matters that ordinarily would require congressional involvement. While constitutions usually include some form of **(p. 19)** executive authority to issue orders in case of national emergencies, few countries have constitutions that provide the executive wide decree power.

One type of decree power is provisional. It demands congressional ratification or the reversionary outcome is, eventually, the status quo *ex ante*. For example, in Brazil, decrees take effect immediately and lapse after a certain period of time unless Congress ratifies them. They are provisional measures that must be approved by Congress in order to acquire the final status of law. The Brazilian Congress can amend the provisional decree before approving it. This type of decree, which moves bills to the top of the congressional agenda and require congressional action (approval and the possibility of amendments) before becoming law, is an agenda setting tool.

Another type of executive decree—much more constraining for members of congress—gives the decree the status of a permanent law unless congress votes to reject it (or passes a law that nullifies it). In Peru and Argentina, decrees become law right away and Congress is limited to passing a resolution voiding it.¹³ Inaction on the part of Congress equals acceptance. Given the unilateral

authority conveyed in this type of decree, and the absence of mechanisms for congressional involvement (prior approval or opportunity for amendments), it is less obvious that it should be considered an agenda setting tool.

The Scheduling Power of Agenda Setters

Influence over the timetable is a coveted agenda setting prerogative. Numerous bills, resolutions, and other types of proposals struggle to reach the plenary floor. Agenda setters with authority over the scheduling of bills (e.g., chamber authorities, and sometimes the president) can use their privileged position to try to delay or prevent bills they dislike from reaching the plenary. They can also bring forward those bills they want to promote, sometimes through procedures that speed up their discussion.

Urgent Bills

Some constitutions have provisions that give the president the power to declare a bill urgent. This compels congress to attend to the particular proposal before a specified deadline. Congress can meet and then proceed to reject (or amend) the proposal made urgent by the president, but nonetheless, it is a way for presidents to force congressional action in the face of delay or **(p.20)** inaction. When presidents can force bills to the plenary, it means they have de jure authority to overcome congressional gatekeeping.

In Latin America, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, and Uruguay include this provision in their constitutions.¹⁴ Mexico added this provision in a constitutional reform in 2012.¹⁵ How soon the bill must be reported to the plenary floor varies by country—sometimes it is within a few days, other times a few months. Urgency motions provide even greater discretion to the agenda setter when the rules state that congressional inaction results in the automatic passage of the bill. Under this scenario, the president wins by default. This is the case in Uruguay where, according to the constitution, the lack of congressional action within the stipulated time is sufficient to get the president's urgent bill enacted into law.¹⁶

Authority over the Schedule (the Order of the Day)

Power over the timetable allows actors to prioritize certain proposals and delay or obstruct others. Typically, majority-elected chamber authorities craft the day-to-day scheduling of legislative proposals. In many chambers, a steering committee composed of the leaders of the legislative party blocs is also involved in this activity.

Agenda setters with authority over the timetable sometimes have at their discretion specific procedures for fast-tracking bills. This is usually applied to consensual proposals. This may involve avoiding committee reports or reporting bills as part of a package with other proposals without objections. In some chambers (e.g., Brazil and Costa Rica), committees may approve some ordinary bills without reporting them for a plenary vote by the full membership. While

fast-tracked bills are unlikely to address controversial (or national issues), they are usually important to individual legislators.

Presidents have an additional mechanism to influence the congressional schedule: extraordinary sessions. Most Latin American constitutions allow presidents to call special sessions of congress in which the agenda is determined solely by the president. Many congresses have extraordinary sessions every year, and in some, this special period lasts as long as the regular sessions. Again, congress may reject or re-commit bills, try to deny quorum, or only attend a sub-sample of scheduled bills. Nevertheless, special sessions are another useful presidential agenda setting mechanism to try to move proposals forward. The Chilean Congress eliminated this longstanding provision from the country's constitution in 2005, and in Mexico, only Congress may call for extraordinary sessions.

(p.21) To conclude, we have summarized legislative prerogatives inside congress in Table 1.2. The first column lists the countries, the second the chamber, the third the office in charge of the legislative calendar, the fourth notes whether the executive can compel congress to attend bills by forcing them into the calendar, the fifth specifies the majority needed to force a bill out of committee, the sixth identifies when conference committees are used to resolve bicameral disagreements, and the seventh column notes whether legislators need to pre-file amendments to legislation before debate.

Positional Advantage

The extent to which agenda setters can take advantage of their power most often depends on their ideological position with respect to other relevant players. Whether an agenda setter can steer policy change in her direction, and how close, hinges on the preferences of those who must agree for that change to occur.

Separation of powers involves not only the creation of legally distinct institutions, but also the development of rules to ensure that different interests are represented in different institutions (Cox and McCubbins 2001; Shugart and Haggard 2001). This is also conducive to different policy positions between branches of government and between chambers in bicameral congresses. Tsebelis (2002) used the concept of veto players (actors whose agreement is necessary to change the status quo) to argue that the more distant veto players are, the more they restrict the winset of the status quo, and consequently limit the discretion of agenda setters. This implies that more extreme veto players become more influential. As shown in the second section of this chapter, the opposite is true for agenda setters. Being more centrally located in the policy space increases their influence over outcomes (keeping the institutional details constant). The same can be said of opposition parties in a minority government.

Table 1.2 Agenda setting institutions in thirteen Latin American chambers

Country	Chamber	Scheduling body ^a	Executive power to force bills into the schedule	Committees		
				Force bill out of committee	Conference committees	Legislators pre-file amendments before debate
Argentina	deputies	CA + PLC	<i>no</i>	<i>qualified majority vote</i>	<i>no</i>	<i>yes^g</i>
	senate	CA + PLC	<i>no</i>	<i>qualified majority vote</i>	<i>no</i>	<i>no</i>
Brazil	deputies	CP + PLC	<i>yes</i>	<i>majority vote</i>	<i>no</i>	<i>yes^h</i>
	senate	CP	<i>yes</i>	<i>majority vote</i>	<i>no</i>	<i>noⁱ</i>
Chile	deputies	CA + PLC	<i>yes</i>	<i>majority vote</i>	<i>yes</i>	<i>yes^g</i>
	senate	CP	<i>yes</i>	<i>majority vote</i>	<i>yes</i>	<i>yes^g</i>
Colombia	deputies	CA	<i>yes</i>	<i>not stipulated</i>	<i>yes</i>	<i>no</i>
	senate	CA	<i>yes</i>	<i>not stipulated</i>	<i>yes</i>	<i>no</i>
Peru	unicameral	CA + PLC	<i>yes^c</i>	<i>majority vote^e</i>	<i>~</i>	<i>no</i>
Mexico	deputies	CA + PLC	<i>yes^d</i>	<i>qualified majority vote^f</i>	<i>no</i>	<i>yes^j</i>
	senate	CA + PLC	<i>yes^d</i>	<i>qualified majority vote^f</i>	<i>no</i>	<i>yes^j</i>
Uruguay	deputies	CP	<i>yes</i>	<i>majority vote</i>	<i>no</i>	<i>no</i>

Introduction

Country	Chamber	Scheduling body ^a	Executive power to force bills into the schedule	Committees		
				Force bill out of committee	Conference committees	Legislators pre-file amendments before debate
	senate	CP + PLC ^b	<i>yes</i>	<i>majority vote</i>	<i>no</i>	<i>no</i>

(a.) CA: Chamber's Authorities; PLC: Party Leadership Committee; CP: Chamber's President.

(b.) The internal rules of the Senate establish a standing party committee to decide on the schedule, but the norm is that the president of the Senate consults with the party leadership.

(c.) It makes a bill a priority in the committee's agenda, but there is no deadline.

(d.) Since 2012.

(e.) It is a parliamentary norm.

(f.) A two-thirds majority vote can declare a bill urgent to avoid the committee stage. Otherwise committees work under short deadlines and the chamber's authorities can deny extra time and force a bill to the plenary for debate.

(g.) Amendments must be presented during a seven working day period after the committee report is made public.

(h.) Amendments must be sent to the committee.

(i.) Floor amendments must be sponsored by 1/3 of the chamber's membership.

(j.) Amendments must be presented at least one day before the committee report begins to be debated.

But policy positions do not affect policy-making alone. Because the effects on policy can be anticipated, policy positions also affect the coalition-making stage. When elected presidents lack a congressional majority, they have to consider whether forming a government coalition or relying on ad hoc alliances would be better for achieving policy-making goals.¹⁷ More often than not, minority presidents form multi-party coalitions by bringing non-presidential parties into government. In general, presidents tend to have greater leeway to change policy when they make government coalitions with **(p.22)** **(p.23)** parties that are positioned ideologically close to them rather than further away. By doing this, presidents minimize the deadlock region between coalition partners. Evidence shows that in Latin America, when a president decides to incorporate other parties in government, parties positioned ideologically close to the president are more likely to be incorporated into government than those positioned further away (Alemán and Tsebelis 2011).

When parties act in a rather disciplined manner, it makes sense to focus on parties and their relative position vis-à-vis others. But on occasions parties do not act in a unified way. If this is the result of different unified factions taking different stances, then their relative positions should be taken into consideration. If instead it is the result of widespread lack of cohesion, then the analysis must pay greater attention to the positions of individuals within the party. While most parties in the Latin American countries studied in this volume act in a rather unified way, the researcher must evaluate to what extent looking at the aggregate positions of parties is an effective strategy.

IMPLICATIONS and Plan of the Book

We have underlined the importance of a series of rules that allocate rights over legislation and the congressional agenda. In addition, we have said that the policy positions of key legislative players impact the extent to which those holding agenda setting offices can influence the lawmaking process. We expect the legislative record to reflect these effects.

At the more general level we expect that the constellation of formal powers regarding proposal and scheduling prerogatives previously described should lead to different styles of presidentialism. On the basis of the institutional powers discussed in the prior sections (including Tables 1.1 and 1.2), we can differentiate between presidents who have various tools to shape the congressional agenda, such as those in Chile, Uruguay, and Brazil, and presidents who have few powers at their disposal, such as those in Argentina.¹⁸ Mexican presidents also have few prerogatives to shape the congressional agenda before Congress passes a bill; afterwards they have the power to affect the bills through amendatory observations. We hypothesized that this difference in agenda setting power should be reflected in the involvement of executives in

the bill-to-law process, and their ability to overcome the challenges of governing without a majority or with heterogeneous coalitions.

Second, we hypothesized that increasing the range of positions inside a government coalition hinders congressional action. Institutionally powerful **(p. 24)** presidents, however, are better equipped to prevail in this context. This implies, for instance, that Colombian presidents should be more constrained by increasing the range of preferences in their government coalitions than Brazilian presidents who can use their substantial agenda setting powers to move proposals forward.

Third, we have two different expectations regarding executive veto usage. We hypothesize that the shift from majority to minority government should increase the frequency of executive vetoes (in all its variations). In addition, we hypothesize that in those countries where presidents can respond with partial and amendatory vetoes, these should be used more frequently than the block veto. Losing a congressional majority should increase the number of bills that incorporate provisions and amendments disliked by the government. This is likely to create more opportunities where presidents consider that they can make successful improvements to bills thorough partial and amendatory vetoes. Within the sample of countries and time periods analyzed in the chapters of this volume, we find a change away from majority government in Argentina, Uruguay, and in Mexico and expect to find a corresponding increase in the usage of executive vetoes (and amendatory observations in Uruguay and Mexico).

Fourth, given that Latin American countries have multi-party systems, the lack of a majority government most often does not lead to a majority of an opposition party, as in the case of divided government in the United States. Instead, the positions of minority presidents and their parties vary. In some cases, the president and the party in government are positioned around the center with regard to the other legislative actors. As noted before, we expect centrally located actors, such as presidents or particular governing parties, to be well positioned to succeed in lawmaking. These situations are unlikely to significantly dampen the legislative achievements of a centrist president. This configuration is akin to those found in Peru under President Toledo (2001–6) or in Uruguay under President Battle (2002–5). In the case of Uruguay, institutional powers further strengthen the ability of minority presidents to push bills and amendments forward.

In other cases, a large plurality (almost majority) party may be able to seek out ad hoc alliances with very small parties or enough independent members of congress to legislate with mild consequences for executive bills. Such configuration is similar to that of Argentina under Menem (1993–5) or Néstor Kirchner (2005–7). Presidents can co-opt a few legislators or small parties and overcome the loss of the majority status. Yet, with or without a majority in

Congress, Argentine presidents are comparatively weaker in terms of agenda setting prerogatives.

(p.25) The situation is different if the minority government is away from the center. This configuration is closest to the political context in Mexico during the first two Partido Acción Nacional (PAN) governments (2000–14) and in Chile during the Concertación governments (1990–2010). In these cases, presidents should be constrained by their need to seek out allies among the opposition. We expect that the passage of legislation should either be hindered or should consistently incorporate (typically through amendments) the positions of those in the opposition, most likely those opposition parties positioned around the center.

Fifth, the cross-national literature has shown that presidents are rather successful at getting their bills passed by congress (Cheibub et al. 2004; Saiegh 2011). Yet, we lack information about whether those bills passed as crafted by the executive or with substantial amendments by congressional actors. The literature on the US Congress underlines that a large share of executive bills that pass are amended before becoming law (Rudalevige 2002; Peterson 1990). We expect this to be also the case with major bills introduced by presidents in Latin American countries. Major legislation is always difficult to categorize. For illustrative purposes, we have chosen bills mentioned on the front page of a national newspaper.¹⁹ This follows prior works, such as those of Binder (1999), which use national newspapers to capture salient public policy issues that are part of the agenda of potential enactments.²⁰ While Binder focuses on *New York Times* editorials, we focus on all proposals that make it to the front page of one of the main national newspapers in the country. Our approach broadens the sample of potential enactments and makes it less susceptible to the ideological leanings of particular editorial boards. But we must also be aware that by focusing on the first year of a presidential term, it is possible that there is a bias in the sample inflating the number of executive-initiated bills over congressional-initiated bills.

Lastly, given the internal rules of procedure described in prior sections (including Table 1.2), congresses should tend to be organized in a rather centralized manner. We expect to see more consequential committees in those countries that give these offices significant agenda setting powers, such as in Chile, Colombia, and Argentina. Yet, since parties in these countries exert significant control over committee assignments and the composition of the chambers' leadership, they are unlikely to behave autonomously from the party and/or chamber leadership.

The following chapters have been written by country specialists and examine legislative institutions and lawmaking in seven Latin American countries. They describe the rules structuring decision-making inside each congress and

underline the most consequential institutions. They also identify the offices and political actors with agenda setting power, and explain the extent to which **(p. 26)** they can influence lawmaking given the political context. This includes commenting on how these political actors are constrained by the positions of other actors they have to deal with in order to achieve legislative outcomes.

The chapters present empirical evidence to illustrate arguments about the influence of agenda setters, as well as to evaluate some particular implications specific to the country being examined. While cross-national differences underlie different allocations of agenda setting power, in most countries institutions have remained constant and the main changes are in regard to the ideological positions of key legislative actors. Some of the outcomes examined by the authors of the chapters are binary (e.g., bill passage or veto issuance) while others are duration outcomes (e.g., time until enactment). The rest of this book is divided into seven country chapters and a concluding one.

The chapter on Argentina, written by Ernesto Calvo and Iñaki Sagarzasu, investigates how the change from a majority-party-dominated chamber to a plurality-party-led chamber impacts committee gatekeeping and the legislative success of presidents. They advance the counterintuitive argument that the loss of majority party control should actually reduce the amendment instances associated with executive bills. They expect more extensive, yet friendly, amendments to executive bills when the government has a majority of seats, and cross-partisan committee bargains to be less vulnerable to amendments when the majority becomes a plurality. In addition to finding support for this hypothesis, the authors show that when the president has a majority, the number of proposed amendments to executive bills is lower when the president is closer to the median member of the majority. When the president has a plurality, the number of proposed amendments is reduced as the president approaches the median of the chamber.

Contrary to conventional depictions of the Argentine executive (Mainwaring and Shugart 1997) but consistent with our review of institutional power, the authors characterize the agenda setting prerogatives of the president as limited. The passage rate of executive bills is comparatively low, and moving from having a majority to a large plurality does not alter the passage rate of executive bills by much. Calvo and Sagarzasu's findings are also consistent with our view that after losing a majority, presidents are more likely to get outcomes closer to their position the more centrally located they are in the policy space.

The chapter on Brazil, written by Taeko Hiroi and Lucio R. Renno, underscores the challenges of governing with a large and heterogeneous coalition. Brazilian presidents (who have always lacked a party majority) build large multi-party coalitions and assign government allies to important congressional offices. Hiroi and Renno note that given the different position of parties in government, intra-

coalition management becomes crucial. On roll call votes, the executive's position wins most of the time. Yet, on occasions the **(p.27)** president's position loses. Furthermore, despite the president's majority status, many presidential bills fail to become law, and those that do tend to be amended by Congress. The analysis shows how a united opposition and greater use of obstructive measures slow down the passage of legislation while the use of urgencies speeds it up. In terms of coalition management, when presidents build "fair" coalitions bills appear to spend significantly less time in congress before enactment.

The chapter shows that Brazilian presidents, governing with large multi-party coalitions characterized by a wide range of ideological positions, have impediments to pass their legislative programs through ordinary channels despite their majority status. Presidents overcome some of these challenges by exercising their legislative powers, particularly urgencies and the temporary measures that are placed on top of the congressional agenda. Hiroi and Renno show that ordinary bills introduced by the Brazilian president have a rather modest approval rate and note that presidents regularly use temporary measures to pass a substantial part of their legislative programs.

The chapter on Chile, written by Eduardo Alemán and Patricio Navia, describes the significant agenda setting power in the hands of the president as well as the significant positional constraints with which presidents had to govern. The latter was caused mainly by the lack of unified government and super-majority requirements for changes on several substantive policy areas. The authors find that most major presidential bills that pass include amendments incorporated by legislators. Presidents regularly fight off unwanted changes to bills with proposed amendments of their own offered during the committee stage or via amendatory observations at the veto stage.

Despite lacking a congressional majority, Chilean presidents have had a comparatively high rate of bill approval and have initiated most laws, which is consistent with the view that having strong legislative powers contributes to overcoming some of the challenges that the lack of unified government entails for the enactment of executive bills. In addition, the chapter shows that who controls the offices with agenda setting power matters for the voting behavior of legislators. Majority control in the Chamber of Deputies leads to significant advantages to members of the governing coalition, while in a split Senate there are no significant differences between the two coalitions (leftist senators and appointed senators on the right-wing opposition do slightly worse). Consistent with our expectations, the authors portray committees as strong and find that conference committee proposals, always voted under closed rules, are highly successful.

The chapter on Colombia, written by Royce Carroll and Mónica Pachón, discusses the institutional rules and partisan contexts that affect the passage of bills. Permissive rules to amend bills and a highly fragmented Congress leave **(p.28)** bills introduced by the Colombian president vulnerable to harm. Multi-party coalitions are nowadays common, but the authors show that such coalitions do not advantage the president because they fail to organize the legislative process. The most important institutions influencing the legislative process are legislative committees. The Constitutional Court is also an important institutional player that regularly reviews legislation, often decides on its content, and, on several occasions, vetoes passage.

The authors reveal an executive weaker than the one portrayed in conventional accounts of the Colombian presidency. Presidents have gatekeeping powers over a few areas of policy and can accelerate the analysis of bills deemed urgent, but have the weakest veto powers of the countries studied in this volume. They find that executive bills pass at a higher rate and in a shorter period of time than congressional bills. Executive bills, however, are routinely amended, and most laws actually originate with legislators. Major bills are passed sooner and at a higher rate than others, but they are also typically amended. In addition, the chapter underlines the importance of conference committees' ability to make proposals under closed rules, which we note in Table 1.2.

The chapter on Mexico, written by Ma. Amparo Casar, reveals a Mexican Congress far different from that of the old era of PRI dominance. Power has shifted away from the executive and given new relevance to Congress and political parties. Casar shows that the end of PRI dominance brought about a drastic reduction in the number of executive-initiated bills. Nowadays most laws are initiated by members of Congress. In this new context, political parties have played a relevant role building the consensus necessary to legislate under minority government and have done so despite increases in intra-party conflict.

In Congress, parties dominate the offices with agenda setting power and control committee appointments. The use of the executive veto increased, as we expected, and most major proposals that became law were previously amended in Congress. Despite facing new constraints, Mexican presidents have not been deadlocked by congressional actors. Instead they have built ad hoc coalitions with opposition parties. Consistent with our view, Casar shows that minority governments positioned on the right (PAN) most often formed alliances on the congressional floor with the centrist party (PRI).

The chapter on Peru, written by Aldo F. Ponce, discusses the institutional and partisan context that affects the enactment of the president's legislative program. He shows that Peruvian presidents have a first-move advantage on economic matters (via urgent law decrees) and the chance to make the last amendment (via amendatory vetoes). Inside Congress, formal rules centralize

power in a steering committee composed of party leaders, but Peruvian **(p.29)** parties tend to be weak and short-lived without strong and stable leadership structures. So in practice, members of Congress and committees are less beholden to the party leadership than the legislative rules would lead us to believe.

Despite their minority status, Peruvian presidents succeed at getting most of their bills enacted into law, which Ponce attributes to their centrist positions and institutional powers. Yet, he finds that the usage of presidential decrees is not the result of minority presidents being unable to pass their legislative proposals. In addition, and also consistent with our argument, he shows that the centrist party has a more favorable legislative record than others. The chapter also shows that members of Congress initiate a majority of laws, including some important ones, and amend most major presidential bills.

The chapter on Uruguay, written by Daniel Chasqueti, examines how legislative rules and changes in government status impact lawmaking. Uruguayan presidents have important agenda setting powers, but they must negotiate with congressional actors—faction leaders of the same party and often other parties. The president also has an ally in the vice president, who has a key role in assigning and scheduling bills in the Senate. Chasqueti notes that the status of government changes often in Uruguay, and that under minority governments power tends to shift away from congressional committees and towards the leaders of the parties' factions.

As we would expect, Chasqueti's findings reveal that the approval rate of executive bills is comparatively high and that there is not much of a slump following the loss of a majority. In the end, legislators manage to amend a large number of government bills. Presidents respond with vetoes, often followed by amendatory observations. The analysis shows that, consistent with our prior arguments, the use of presidential vetoes increases when legislative support decreases.

The last chapter reviews some of the important conclusions of the book. First, it discusses empirical findings that show that the lack of a majority government increases the complexity of bargaining, makes changing the status quo more difficult, and favors centrist parties. Second, it highlights how some Latin American presidents benefit from substantial institutional prerogatives over the congressional agenda, while others are more restricted by the rules in place. Third, it describes the cross-national variation found in terms of legislative productivity and approval rates of bills initiated by presidents and members of congress.

Notes:

(1.) The bill was the Presupuesto de Egresos de la Federación.

(2.) See the chapter by Calvo and Sagarzazu on Argentina for more details.

(3.) We operationalized major bills as those that became front-page news in major national newspapers. We focus on major bills mentioned in the press during the first year of the president's term in office. Sarah Binder (1999), for instance, examined legislative gridlock in the US Congress by focusing on major bills, which in her study are those that appear in the editorials of the *New York Times*.

(4.) Examples abound. For instance, US President Barack Obama's 2011 half a trillion dollar jobs bill did not make it to the floor of either chamber, despite the president's push. Another example was Argentine President Carlos Menem's proposal in the mid-1990s to give the right to vote to nationals living abroad, which was not enthusiastically received by congressional leaders and was never reported for a vote on the floor of Congress.

(5.) Along the same lines, Leighton and López (2002) find an association between legislators' party discipline and assignment to more valuable committees.

(6.) Lawrence et al. (2006) examine individual win rates based on roll call votes and also find an advantage for members of the majority party consistent with the view of a partisan control of the legislative agenda.

(7.) Strictly speaking the legislature will be indifferent between X and X' ; X has to be slightly closer to the line than X' in order to be preferred.

(8.) Some authors (Shepsle, Weingast, Tsebelis) call the ability to reject a bill "veto," while others (Cox, McCubbins) tend to call it "negative agenda setting." We will use these two terms in congruence with the relevant literature.

(9.) An exception is the budget bill, which all presidents are constitutionally required to initiate yearly.

(10.) In Argentina and Panama, a qualified majority of two-thirds is required to override the president's partial veto, while in Brazil, Colombia, and Paraguay it is a majority of the membership.

(11.) The latter case (Uruguay and Ecuador) allows for some decree-like presidential advantages.

(12.) This pre-filing mechanism is also frequently used in the US House of Representatives (Sinclair 1994).

(13.) Peru restricts such decrees to fiscal matters, and in Argentina, the executive cannot issue decrees on electoral, penal, and tax matters or regarding political parties.

(14.) In Ecuador, the president can only declare economic legislation to be urgent.

(15.) It limits the presidents to two initiatives per year. Congress has thirty days to address them, or they end up on top of the schedule. Failure to address it does not lead to automatic passage.

(16.) This provision is also in place in Ecuador and Paraguay. In Paraguay, a two-thirds majority can rescind a presidential urgency.

(17.) In parliamentary systems, parties in government are veto players (Tsebelis 2002): they need to agree in order for a significant policy change to take place; otherwise, either there will be no change or this change will be made by a different government (which will not include the parties that disagree). In presidential systems, however, the parties in government are not necessarily veto players; that is, they can vote against a bill and the bill may still be enacted.

(18.) While the Argentine president can issue decrees, they do not directly shape the congressional agenda. The partial veto, however, is more significant in this respect.

(19.) Most use data from the first year of a presidential term. See country chapters for specific information including the newspaper used.

(20.) For her, this choice rests on the assumption that the newspaper responds to issues under consideration in Congress and highlights public problems that deserve attention. It captures issues at the “much talked about stage,” as well as issues that may be considered “the agenda of potential enactments.”

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