Jump in the Middle: Amendment of Decrees in Brazil

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Abstract
This paper aims to explain how legislators try to interfere with the political agenda initiated by presidential decrees (medidas provisórias) in Brazil. Although the Executive be the main legislator, congressmen in Brazil have the right to make amendments in the presidential decrees. These amendments called Bill Conversions (Projetos de Lei de Conversão) allow the amendment of articles of decrees by congressmen after it edition. On the total of 514 presidential decrees edited in the period (2001-2010) 288 were transformed in Bills Conversion, representing 56% of total decrees. The 'Conversion Bills' are an important tool for the legislature to monitor the actions of the executive in Brazil and are constituted as "windows of opportunity" to congressmen interfere in national political agenda. Your effects have been little explored, in studies on the Brazilian political system. This pattern contradicts the diagnosis of the Congress in Brazil is passive, subservient and weak in front of the broad powers that the Constitution delegated to the President.

Keywords: presidentialism – decrees – Congress – Brazil

Introduction
This paper aims to explain how legislators try to interfere with the political agenda initiated by president in Brazil. The first thing that we have to consider in this debate is that president is the most important legislative actor in Brazil. The Brazilian Constitution of 1988 guaranteed many powers to president, and the authority to edit decrees (medidas provisórias) with immediate force of law, and that is the principal of this powers. So, the executive would be a kind of "Leviathan" that legislates alone or does it need of congressional support to satisfy their interests? If some negotiation with Congress is required, what are the terms and conditions of this negotiation? Does it occur through which instruments? These are some of the questions that we intended to deal with in this work.

Another known aspect in this debate in Brazil is that the validity of decree powers cannot occur without Congress consent. Nevertheless the decree powers of the Brazilian president have been questioned for politicians and

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1 This work is a part of my dissertation of MA in Political Science presented in december 2011, at the Federal University of Minas Gerais. I would like to thank my mentor Carlos Melo Ranulfo by the theoretical contributions and also by Sebastião Hélio Gomes and Vanessa Di Lego for fundamental contribution on revision of this English version.

2 MA Political Science, guest researcher in Institute for Applied Economic Research.
analysts because, although it’s an extraordinary resource available for the president to govern in case of urgency and relevance, it has been routinely used, in practice, to promote many public policies, liberation of public founds and make adjustments in economic policies.

In this context, the principal idea of this work is that, although presidents are important legislators, because of their extensive decree powers, they need Congressional approval of their decrees to have a permanent effect. So, amendments to these decrees are an important instrument for Congress to exercise control and monitor over the Executive actions, beyond only approval or rejection. This dimension has been little emphasized in analysis regarding the political consequences of presidential decree powers in Brazil.

The investigation of Bills Conversions may also suggest that Congress is not a monolithic body that only accepts or rejects presidential acts, but it also allows the verification of the Congress’s potential to operate as an arena of negotiation, bargaining and accommodation of the points of the presidential agenda. The legislative powers of the President in Brazil prescribed in the 1988 Constitution guaranteed him the right of initiative for legislation on issues of relevance and urgency, and give him power of total or partial veto after to Bill Conversions approved by Congress. In practice these powers have been systematically used by edited and, also to 2001, reedited of presidential decrees. These powers make the presidents in Brazil have a broad power over national policy agenda (Figueiredo and Limongi, 1999).

This work is organized in five topics. After this introduction, be presented debate about Brazilian political system, highlighting political effects of presidentialism and its combined effects with, multiparty system, bicameralism, federalism and proportional representation. The third section is dedicated to discuss the president decree powers in Brazil, the trajectory and changes in these powers after 1988 Constitution, emphasizing the effects to constitutional change in rictual to processing presidential decrees. The fourth part is dedicates to description of the working hypotheses about Bill Conversions. The fifth, sixth and seventh sections are dedicated to testing hypotheses. Finally, the conclusions.

**Debate about Brazilian Political System**

The Brazilian political system is characterized by the combination of presidential regime, multiparty system, bicameralism, federalism and proportional representation. These characteristics or combination of these characteristics led to a debate about the advantages and disadvantages of these dimensions for the democratic stability and governance in Brazilian democracy.

The debate about distribution of powers in presidentialism often reveals different positions. Sometimes the assumption is that legislative behaves submissively or passive, sometimes point to the congress as real obstacle to the functioning of democracy. As is known, the first criticisms departed of a generic criticism made by Juan Linz to presidential regime. Criticism of Linz (1990) to the presidential systems can be summarized in three main aspects:
temporal rigidity of the presidential mandate; the “zero-sum game” arising from the elections; and the existence of a dual structure of legitimacy. Linz argued basically that presidential regime is more conductive to democratic instability, and in situations where the president faces strong opposition in the legislature the political strategy of president would be to mobilize the population in an attempt to question the legitimacy of representatives and parties in the legislature. This strategy, however, only exacerbating the deadlock rather than solve it. This can lead to crises of regime and to situations of "decisional paralysis". Sometimes in Brazilian political history presidents used those strategies, trying to resolve conflicts with the legislative, for example, at the time that preceded the military coup of 1964, the government of João Goulart or in Fernando Collor Government in 1991. In both cases the presidents had no majority in Congress. The problem of presidentialism appear, then, whenever the President faces an opposition legislative majority and a probable outcome of this type of situation would be the breakdown of democracy. Nevertheless, those arguments are questionable, mainly face the observation that there was instability also in parliamentary regimes.

The qualification of this debate was started to Mainwaring (1993) and Shugart and Carey (1992), for them, it would be necessary to verify the interaction of presidentialism with other variables, such as multiparty, or consider the role assumed by the legislative powers of the President. The most recent trend of studies on relations between the Executive and Legislative argues that the differences between presidentialism and parliamentarism does not refer to their constitutive characteristics and should be mitigated (Przeworski, and Cheibub Saiegh, 2002; Cheibub and Limongi, 2002; Figueiredo, 2005, Limongi, 2003; Tsebelis, 1995, 2009). This trend suggests analytical paths to understanding the types of schemes should not be taken as "closed packages" that can store and similarities in the distribution of power depending on the dynamics of decision-making process, the distribution of power and the number of veto players. The change in focus in approach of Brazilian presidential regime occurs only with Argelina Figueiredo and Fernando Limongi works, that opening space to new research agenda.

The point of reference of this debate in Brazil were the work of Abranches (1998), who first defined the Brazilian presidentialism as "coalition presidentialism". He alerted to the fact that before 1988 the political institutional arrangement would be problematic because of the inexistence of an institutional mechanism for mediation of conflicts between executive and legislative. This problem would aggravated by the dimension of federalism, which would require coalitions in the legislature meet the no-party criteria, such as accommodating state or regional interests.

From there to here, began to dominate in national literature the perception that the Brazilian presidentialism could work well. On the track opened by the works of Figueiredo and Limongi (1999, 2002, 2007 e 2009), there was relative consensus that the new institutional arrangement post-88 - with emphasis on the mechanisms that increased the "agenda power" of the executive and party leaders gave the instruments to control the legislative process - created conditions for the elected Presidents form coalitions stable and govern.
However, the point is passible to controversies. According to what is suggested Rennó (2006) the critics to functioning of Brazilian political system can be agrouped in three analitical perspectives, referred to problems and dilemmas generated by the political system in the country. The first, and more pessimistic perspective pointing in different direction to that mentioned above and highlights the issue of "explosive combination" and the problem of decisional paralysis generated by the system (Mainwaring, 1993, Mainwaring e Shugart, 1997). The perspectives second and third agree with the general terms of the diagnosis made by Figueiredo and Limongi, also highlight the problem of conflicting institutional incentives generated by the system, which would impact the construction of majorities and the arrangements that the Executive uses to gain support in Congress. In third perspective the question is whether the political processes in this system are managed individually or institutionally constricted.

In first perspective according to Ames (2003), the Brazilian institutions function poorly. Among the institutions "dysfunctional" should be included the electoral system, the rules of formation of parties, the nature of the presidency and the separation of powers: federal, states and municipal governments. Combined, these institutions produce an excessive number of veto players and create a permanent crisis of governability. According to the author, the majority will arise on the side of the President if they are purchased. Lawmakers are not interested in national policies, are encouraged to maximize their personal gain and its performance guided by particularistic practices, physiologism, and patronage. Although it is possible to find programmatically oriented deputies and senators, this is kind of a parliamentary minority. Majority, the political patronage designed the rules necessary for the free flow of parochialism within the legislature: party leaders there have no control over the parties members and supra-party individuals or groups are in a position to determine the price of their cooperation.

Even the prospect of Ames (2003), the executive seems to be hostage to the interests of the physiological congressmen who work in the Legislature always with a view only to its electoral viability. The Presidents need to be constantly rebuilding majorities. Brazilian democracy, still according to Ames, now works as before, since the framers of the Constitution of 1988 would have retained the institutional framework of the Republic of 1946. The result would be a regime blocked by Congressional obstructionism, unable to make rapid and significant decisions of the Executive where few projects are unaffected by the Legislature and in which any change in the status quo requires a high physiological counterpart.

The criticism of the Brazilian political system by Mainwaring (1993) and Mainwaring and Shugart (1997) points out that the problems are not mechanical derivation of presidentialism. The diagnosis is that the combination of a fragmented party system, populated by undisciplined parties and a robust federalism with the result in an "explosive combination." When Presidents are minorities they need, but could not, raise solid support in Congress, which
would have consequences not only for governance, but also for the democratic stability.3

To Shugart and Carey (1992), presidentialism in Brazil would be affected by the combination of:

1 - Presidents with extensive constitutional decree powers;
2 - high party fragmentation,
3 - party indiscipline;
4 - robust federalism.

In this context, the items 2, 3 and 4 are reinforced, enhancing the dispersion of power. For support, Presidents distribute jobs and funds to individual legislators. Support for the President by Congress in the governing coalition would be guaranteed, in this view, through the distribution of patronage resources. Congressmans would be catch funds to municipalities and regions where they have votes. So, patronage puts the President in front of a complicated situation facing a complex institutional arrangement.

In his analysis of Latin American constitutions, Mainwaring and Shugart (1997) show that the Presidents have enormous constitutional powers, but, surprisingly, have little capacity to carry out their agenda because of its low power supporters. In situations where the Presidents enjoy high popularity of the problem would be alleviated, but outside of such contexts, the Executive would have problems to implement its agenda and would be encouraged to rule on an ad hoc, trying to circumvent Congress and the parties and also using the presidential powers of decree to promote policy changes unilaterally create new bureaucracies and get ahead regardless of public policy in Congress. Referring to the Brazilian case, consider that the 1988 Constitution, in some respects, seems to agree with the notion that there would be a kind of “imperial presidentialism”, such the powers granted to the President. But even with such powers, the Presidents would not be able to approve what they want, "trampling on" the Congress. The necessary support to accomplish the presidential agenda would have to be achieved both individually and with the parties through patronage resources; the President would be hostage to these particularistic Congress interests.

The second analytical approach mentioned above argues that the system generates contradictory incentives and can be found in Pereira and Muller (2003). As highlighted Renno (2006), but is also present in Melo and Anastasia (2005), although these authors come to different conclusions. With regard to institutional design, it is emphasized that the tendency to diffuse power beyond largely predominant in the process of constitution-making bodies (bicameralism, proportional representation districts with open list of great magnitude, and highly fragmented party system and federal structure). It is also present when analyzing the rules governing the national decision-making, as shown by the existence of symmetry between the two legislative houses, the existence of

3 The authors even consider that, the non support democracy in presidential regimes is due to factors such as low development and undemocratic political cultures. They argue forward that the party indiscipline weed is also in parliamentary systems, however the argument of "explosive combination" refers to the consequences for democratic stability in Latin American presidentialismos.
criteria of proportionality in the distribution of power within the Congress, the requirement qualified majority for constitutional changes and the possibility to recourse to judiciary against decisions that refer to the Constitution. Acting in the opposite direction would be, as already mentioned, the concentration of legislative powers in the hands of the Executive and the centralization of the Congress in the hands of party leaders. The result of such a combination could not be given in advance. The two elements mentioned above would not be able to "insulate" the national decision-making, canceling the action of the factors leading to the dispersion.

As for Pereira and Mueller (2002 and 2003), the combination of elements of concentration and dispersion of power would not prevent the executive and party leaders so successfully coordinate the decision making process, but would make the concessions made were greater than desired. So, the relationship among party leaders and "low church", though coordinated by the first (which is not admitted by Ames), would be based on the provision of distributive policies, particularly through amendments to the budget and positions in exchange for support for the proposals agreed between the President and their leaders. Also according to Renno (2006), this mechanism of exchange and distribution of benefits to members would not be a hindrance to the Legislature to get involved in a discussion about the content of policies and that, fundamentally, the Executive could support to carry on its agenda.

This introduces the third analytical perspective the question to what extent is institutionally constrained nature of the trading parameters in Brazilian presidentialism. To Amorim Neto and Tafner (2002), in terms of Renno (2006): "the coalition presidentialism is not a clear result of the Brazilian institutional framework, as argued by Figueiredo and Limongi, but a moment of exception" (p.265). He would have been so full in the first Cardoso administration, when the President met conditions to share the government with their political allies, which would not have happened in the periods Sarney, Collor and Itamar. In turn, Pereira, Renno and Power (2005), based on an analysis of how the executive uses the issue of presidential decrees, pointing to a reasonable margin for maneuver of different administrations with regard to how to interact with the Legislature. In other words, according Renno (2006), "the Brazilian presidentialism would not work uniformly institutional design does not condition the actors stare, expanding excessively margin of maneuver and giving space to the individual ability of governments."

More than twenty years after the promulgation of the 1988 Constitution, the argument of "explosive combination" and the scenario of a "locked" faded. Although we are not faced with a picture completely unveiled the literature, data and analyzes available to date allow safely say that the coalition presidentialism works: the Executive has the initiative in the legislative process and with the support of disciplined parties shall, in average, over three quarters of its agenda (Figueiredo and Limongi, 2007, 2009).

It don´t confirm the scenario of a Congress dominated by clientelism. As stressed by Melo (2006: p.251), "if correct the diagnoses made by Ames, we should have, in the case of production from the legislative power, broad predominance of particularistic initiatives, which is not the truth: as already

One reason for this lies in the way they are distributed the agenda and veto powers within the Brazilian Congress. So also does not make sense, as argued Carvalho (2003) speak of a single political behavior of members of Congress in view of the different electoral connections. As the Ames (2003) warns, there are special incentives in operation, in other words, the electoral connection of Congress impacts their behavior differently in the congressional arena. On the other hand, much research is still necessary to clarify several points about the nature of the support given to the Presidents of the strategies used by the executive and the opposition, the degree of presidential success and content of bargains made within the government coalition, is before or during the legislative proceeding of government initiatives.

The fact is, back to the point of greatest interest to this work, the Presidents elected after 1988 in Brazil widely used legislative powers, editing and reissuing decrees, urging on bills of interest, using their exclusive prerogative of initiative and vetoing legislation, all or part of projects approved in Congress who find themselves far from their preferences. However, this did not mean it would use them against the interests of Congress or in order to circumvent it. The interpretations that the President would usurp the legislative powers of Congress that the President “pass over” its to govern or that Congress abdicate its power in front of a hypertrophied Executive also seem to be exaggerated and need revision.

**Decree Powers of president in Brazil**

In fact, the greatest legislator in Brazil is the executive, and your “powers of decree” are the most important instrument to exercise those powers. According to Shugart and Carey (1992) presidents in Brazil is the most powerful in relation to its powers to legislate. This situation conducts interpretations that the Executive imposes its interests to Congress and that, in limit, presidential decrees are an excrescence in Brazilian political system. It will be shown here that those interpretations are wrong, because it ignore the fundaments of delegation of legislative powers to president by Congress, also the monitoring mechanisms of presidential actions by Congress. In other words it’s say that, to govern in Brazil, Presidents need to legislative consent, including in case it's extensive legislative powers. This point is central to understand the logic of operation of the Brazilian political system and have particular relevance to comprehend the patterns of relationship between executive and legislative in Brazil. We can group the interpretations of the president decree powers in Brazil into two competing ways.

There is a first part that understands the excess Legislative powers in the hands of the President as something detrimental to democracy, which can lead to situations of attempted usurpation of legislative powers by the President. These arguments are located within a broader critique to presidentialism (Shugart and Carey, 1992; Linz, 1994; Mainwaring, 1993; O'Donnell, 1994; Lijphart, 2003).
A second strand comprises the interpretive powers of decree of the President as a result of a chain of delegation by the legislature, in which there is room for a monitoring of actions by the legislature in presidential decision-making flow (Amorim Neto and Tafner, 2003, Figueiredo and Limongi, 1999, 2006, 2009, 2006 Inacio, 2009). In this second part, the powers of the President's agenda is the most important variable to understand the relationship between the executive and legislative power in Brazilian presidential system.

The tendency to delegate powers to the executive part of what Fabiano Santos (2003) called "presidential system rationalized." The concept refers to the adoption by the Legislature, the rules restricting the actions of legislators (setting out areas of exclusive initiative of the Executive with powers or unilateral) in order to avoid coordination problems, certain areas and delegate powers to the President and thereby facilitate the exercise of government. This trend would, therefore, a slow response to the Legislature in times that require speed of governments, but would like another face, the possibility of restricting the actions of the Legislature, making it submissive to the Executive. According to Pessanha (2003), "there is no doubt that the production process of law leaned toward the executive power over the twentieth century." What happens, according to the author, is that by expanding its legal power of initiative that inhibited the executive power of the Legislature, making it submissive.

Returning to the central question this work is important to justify their empirical relevance. The analysis of presidential systems, particularly on presidential powers, led political analysts to interpret them as instruments of authoritarian exercise of power by the President. One of the most compelling performances in this direction is to Guillhermo O`Donnell (1994), which sought to characterize the Latin American democracies as "delegative" systems in which the occupant of the office of President is too powerful and govern according to their wills, over the institutions and without effective controls that limit their power. Presidents would be elected to be "saviors of the nation" and the elections would work in this perspective as a mechanism for full devolution of powers to the President.

From this perspective there is a clear hypertrophy of presidential powers, and the possibilities for control of presidential actions almost nonexistent. The presidential power in calls "delegative democracies" would, in view of O'Donnell, the face of undemocratic regimes. The presidential legislative powers would be the institutional face of authoritarianism.

There is no doubt that the President of the Republic in Brazil has a reasonable set of legislative powers and, among them, deserves the right to edit decrees. These analyzes had the primary concern the implications of these choices for institutional governance and democratic stability in the country. Diagnoses pessimistic about the future of democracy in Brazil found no theoretical support nor empirical grounds, given that the political institutional framework remained without major changes in the period and elected Presidents were able to gain high levels of governability and presidential success in Congress.

4 In Spanish: “los salvadores de la patria”.
What we intend to argue here, in line with Figueiredo (2005, 2009) and Amorim Neto and Tafner (2003) is that presidential decrees are not necessarily authoritarian forms of rule the President, may be understood as a result of a chain delegation of legislative power to the Executive, with the possibility of monitoring the delegation.

The central argument of this paper, following the literature, is that in the case of the Brazilian political system, the possibility of amending the text of their decrees during the Congress is one of the mechanisms available to monitor the actions of the President by Congress. The empirical focus of work is precisely in the proposed amendments to the decrees by Congress. Therefore, the object of research is the interference of the legislature in presidential decrees, and the empirical referential are the Bills Conversion (PLVs), which are the legal form given to decrees who had amendments accepted by the rapporteur in Congress.

The analysis of the tramitation of the decrees in National Congress has been little explored by scholars of the relations between the Executive and Legislative power in Brazil, especially with regard to the mechanisms involved in the submission and approval of Bill Conversions. The focus on this process can be a contribution to understanding whether and to what extent the legislature interferes with the legal production in countries with presidents endowed with extended powers of decree.

The problem of uncontrolled hyper-reedited of the period after 1993 governments contemplating Itamar Franco and Fernando Henrique Cardoso, in which the maintenance of economic stability arising with the Real Plan was the central focus of decrees reedited. During the Cardoso government reedition of decrees were used repeatedly. Among the issues on which the presidential decrees edited by the Executive, the majority referred to the affairs of the state's economic agenda, especially relating to economic stabilization (Figueiredo and Limongi, 1999; Amorim Neto and Santos, 2002). Some decrees scape explicitly of the original meaning attributed by the Constitution\(^5\). Most of the decrees issued since been approved by Congress, as shown in Table 1.

**>>TABLE 1 <<<**

Still to Figueiredo and Limongi (1999), the transformation of decree on Bill Conversion can be used as indicative of congressional involvement in decision making about decrees, as the Conversion Bill represents an alternative project. The routine of the relationship between executive and legislative power in Brazil eventually minimize or even nullify the effectiveness of changes in decrees by Congress, given that not all decrees were considered by Congress within regimental. The Executive has reedited the decrees, including some changes to continue to have legal effect. This overuse of the resource to the reedited Executive gave a great autonomy from the Congress. Some decrees have

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\(^5\) One example was the decree that included Marshal Deodoro da Fonseca in the book of National Heroes. Decree 105 of 13 November 1989, was issued by President José Sarney for the centenary of the Proclamation of the Brazilian Republic. Cited by (Figueiredo and Limongi)
never been considered by the Legislature and reedited several times. The prohibition came only after the reissue Constitutional Amendment 32/2001, that changed the Constitutional Article 62 regulating the issue of decrees on some issues and prohibiting the practice of reedit a decree. Graph 1 shows the amount of decreed edited and reedited annually.

>>> GRAPH 1 <<<

The graph shows a pattern of annual issue decrees relatively consistent, with increases in periods when there was economic stabilization plans. However, what really draws attention to the chart is the exponential leap of reedictions. Since 1993, opens a period of hyper-reedit decrees. The years 1994 to 2001 coincide with the period from the end of Itamar Franco govern and entire first government and almost all of the second Cardoso government. The economic stability since 1993 with the Real Plan was also established by decree and maintained basically through reeditcion. It should be noted also that the economic stabilization plans were implemented by decree, and approved by Congress.

**Constitutional Amendment 32/2001**

The changes established by Constitutional Amendment 32/2001 were: the establishment of materials limits for decrees, prohibition on reedit decrees and amend the time limits for consideration by decrees of the Congress, the Amendment provides that the Congress should take position on the decree before finishing the term of validity. If Congress does not vote a decree within 45 days, it goes to the top of the legislative agenda, and any other bills and resolutions are stopped. These changes provided for in Amendment sought to solve the problem of reedit decrees indefinitely and the use of decrees by the Executive to address political issues that scape to the constitutional division of legislation by decree. The Amendment also established that the assessment of executive begins in the Camara of Members and the reediction limited to only once in the 60 days if the decree is not appreciated.

This period may be extended by 60 days. In an attempt to regulate the Amendment which reformed the system of processing of the National Congress decrees established the resolution number 1 in 2002. This resolution is a direct product of Constitutional Amendment 32/2001 and changed the Internal Regulations of Congress. This resolution provides for the examination of the decree by Congress and replaces Resolution N. 1 of 1989 of the Congress. This resolution establishes the creation of a joint committee of Senators and Congressmen to express an opinion on the eligibility of presidential decrees issued. Furthermore, the resolution n. 1 of 2002 established in its Article 4 of the six days from the publication of the decree the possibility of introducing amendments, which must be filed with the Secretary General of the Bureau of the Senate, also prohibiting the possibility of amendments to the foreign

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6 According to the tenth paragraph of art. 62 of the Constitution "are not allowed to republish, in the same legislative session, the presidential decree has been rejected or who have lost their efficacy due to lapse of time." (Added by Constitutional Amendment n. 32 of 2001).
material decree. The evaluation can be done is that resolution did not achieve the intended goals.

The resolution was ineffective in compliance with the rule that set limits to admit a decree prior to its consideration in plenary. The Joint Committee has been convened and opinion on the admissibility of a decree is given in plenary rapporteur appointed by the decree. The criteria for choosing the rapporteur of the decree are informal and do not follow the rule established by resolution. Regarding the process amend decrees, even before the resolution was the possibility of introducing amendments. The practical effect to Constitutional Amendment 32 of 2001 was that given the necessity of examining all decrees to prohibition the reedit, the possibility of amendment by Congress became real. Before that, the possibility of change decrees was much larger by the Executive that could reedited including with changes.

For more descriptive than these formal changes in the legislative process may appear, Constitutional Amendment 32 has generated unexpected effects in the game of political power between the executive and legislative. Among these effects are not calculated in Constitutional Amendment highlight the increasing number of Bills Conversions contained in the lock of the conference agenda and changing the strategy of the opposition.

According to the data Figueiredo (2007), the number of Bills Conversions submitted to increase significantly after the Amend 32. Changes in itself does not indicate, for the author, a more active role of the opposition, it could stem from the demands of his own base of support of the Executive. The presentation of a Bill Conversion makes public the process of changing the order, unlike the previous situation in which the Executive had the power to reedit the same decree with changes.

This is the most relevant change in relation to the process of interference Bill Conversions by Congress after the Constitutional Amendment 32/2001. This Amendment also had the effect of the reduced constitutional ambiguity by specifying areas in which the Executive could not edit decrees – political or electoral law, criminal laws, budgetary guidelines, detention or sequestration of resources as occurred in the Collor administration.

Hypotheses about Bills conversions

Hypotheze 1: The power delegated to the President of editing decrees is monitored by Congress through the re-opening of the decrees in the legislative arena began with the proposition Bills Conversion.

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7 According to the data the proportion of change in the National Congress decrees (Bills Conversions) was 40.4% in government Sarney, Collor and Itamar, 21.7% in Cardoso governs (I and II) to Amendment 32 of 2001. In the period following the Amendment, which contemplates the end of FHC II is the average conversion of 34.3% and Lula I, 61.9%. Figueiredo’s argument is basically that the Lula government coalition party, to be more ideologically heterogeneous, generated greater instability of the coalition party that supported him in Congress.
This hypothesis attempts to verify empirically the argument developed by Amorim Neto and Tafner (2002) which signals the possibility that Bill Conversions act as "fire alarms mechanisms" activated by Congress to monitor the executive. Indicator of this variable will be the "rate success," conceived as the number of Bill Conversions ultimately approved in relation to total conversions Bills presented. This hypothesis is based on the assumption that the Executive can not trample the Legislature and Congress, is not passive in the face of the powers of president.

Hypothese 2 - The chance that a Conversion Bill approved by the Congress be vetoed in whole or in part, increases as it increases the degree of difficulty demonstrated by the Executive to coordinate their legislative basis. Based on the assumption that the Executive vetoes strategically uses to filter any changes arising from the Bills Conversions in relation to original decrees;

Hypothese 3 - Approval of Bill Conversions is related to the status of the party's sponsor on the government. It is expected that reported by Bill Conversions regulators belonging to the base are more likely to government approval. It is based on the assumption that there is a political agenda of the governing majority, pro-government would have better conditions to interfere with the agenda started in the Executive.

Hypothese 4 - Approval of Bills Conversions is connected to the leadership position of its sponsor in Congress, it is reasonable to assume that a Bill Conversions whose sponsor is the responsibility of leadership of Congress has a greater chance of approval. Based on the assumption that the rite of conduct of decrees (formal rules) interfere in the political results.

Testing hypotheses 1 e 2: The political game of decree, interference of the legislature and the executive vetoes

The empirical material to be used includes the Bills Conversions have been filed since the enactment of Amendment 32, 2001, by the end of the second Lula administration in December 2010. This time frame is justified by the importance that these amendments to decrees acquired after the amendment, mainly due to the effects generated by the prohibition of the reissue. The ban on the reissue of MPs made the Bills Conversions (PLVs) to begin to count as an effective mechanism for interference with the results of the legislative agenda initiated by the Executive. This happens because the ban has changed the context involved in making decrees - the need for assessment of decrees comparative advantages brought by Congress to Congress. The number of decrees were amendment as well as the percentage of Bills Conversions adopted in relation to those shown in the graph 2.

>>>GRAPH 2 <<<

Of the total of 514 decrees issued during the period, 288 (56.0%) had procedure-shaped Conversion Bills. The rate of approval of bills is quite high:
the total of 288 bills submitted, 238 were approved in Congress, representing 82.6% of the universe (of 288 Bills Conversions) considered. This data refers to attempts to interfere in the presidential decrees made in the legislative arena and demonstrates that Congress is not passive in the face of the power of executive decree.

The approval of Conversion Bill by Congress, however, does not guarantee that such changes take effect in law, because there is still the possibility of presidential veto later. Therefore, the analysis on the game of the decrees would not be complete without contemplating the extent of presidential vetoes. The veto power of the President may, of course, be exercised in whole or in part and functions as an instrument to veto undesirable inclusions in the decrees. This is the key-idea that if want to show in this paper. The situation in which legislators "free ride" on legislative process, or try to "jump in the middle" of the presidential decrees. The Executive in turn has the power to limit these attempts through the vetoes subsequent.

Table 2 shows that the President does not shy in using it to remove articles of Conversions Bills approved. The table shows the bills submitted and approved in Congress; distinguishes those who have been vetted and approved the highlights in a definitive manner. It is observed that except for a bill - the sponsor Congressman Tadeu Filipelli (PMDB-DF), vetoed altogether. – all other bills were subject to partial presidential veto.

>>> TABLE 2<<<

From these data it is possible to start discussion of hypotheses 1 and 2 earlier. To start off, it is evident that the Congress legislates when one is talking about presidential decrees. It interferes on most cases and when it does not, what happens 44% of the cases as shown on graphic 1, certainly is because it did not find it necessary to take any initiatives. Once transformation process of transformation of the decrees in Conversion bill, it was sucessful on more than 80% of the cases, evidencing a great coordination of the majority inside the Congress. Among the approved bills in Congress 43.4% were not vetoed were thus, definitely approved, taking part in the legal order. This is a important rate of success consider, especially if one takes into consideration that here we are in the Legislative “realm” of the Executive Power- it is that power’s initiative; it is the one who dictate the initial terms of the discussion.

It remains to check if the second hypothesis can be corroborated. The observation of partial vetoes in Bill Conversions approved by the government

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8 This argument is supported by Limongi (2006) "The Executive has a powerful weapon to deal with amendments undesirable or contrary to their interest: the total and partial veto. If the project is subverted through the adoption of amendments, the President can not simply promulgate it, vetoing completely. In less dramatic cases in which legislators alter specific aspects of the project or take the opportunity to use it to get "free ride", the Executive may use the partial veto. The President makes extensive use of both resources. The presidential line item veto is used, especially in their own proposals, indicating that the president is able to prevent unwanted changes" (p. 251) (italics mine).

9 The original decree provided for the transfer from national to state and municipal segments of the road network under federal jurisdiction. The approved bill provided for a compensation for municipalities union of R $ 130,000.00 per km of federal highway transferred. The argument for the total veto as that such a transfer would be a fiscal risk to the Union and could reopen litigation against Union.
shows no statistically significant differences between the governments, but does not allow a conclusive analysis of the reasons for such differences. As shown in table 2 there was an increase in the number of vetoes in the second Lula administration.

>>>TABLE 3<<<

It would naturally be expected, however, that the number of vetoes were higher in the first Lula administration, when there was a greater difficulty in coordinating political coalition within the Congress, but the increase in the number of vetoes occurred in Lula’s second term, when the coalition remained more stable. The analysis of partial vetoes to Bill Conversions also has statistical significance between the governments not to corroborate the hypothesis 2. The expected correlation goes in the opposite direction to the formulation of that in periods of less control by the Executive congressional coalition there would be more vetoes. Of the three periods analyzed, it is precisely in the most turbulent of them, Lula’s first government, we observe a lower percentage of partial vetoes - 35.4% versus 42.9% in Cardoso and Lula II in 59.4%.

Therefore, the analysis does not allow a categorical statement about the variables that explain the vetoes, which, again, require a detailed examination of the articles modified in Bill Conversions partially approved and subsequently vetoed by the President. As already mentioned, the game of decrees starts in the Executive passes the legislature and the executive reserve in case another round of Bill Conversions. While not denying the claim that Congress has a window in bills to act, presidential vetoes are evidence that the Executive has not always aware and accepts the changes proposed by legislators.

Be it as it may, an exam of the complete process of the amendment of decrees allows us to qualify the Figueiredo and Limongi’s thesis, according to which the Brazilian decisory process reveals the existence of one agenda, the agenda of majority. Although that is true, there is also the fact that inside that agenda there are considerable disputes. The proposals of the majority are first elaborated inside the Executive Power and continue to be discussed in the Legislative - a government base party that is unsatisfied with what came from the Executive (the first round) may use this second round to make the proposal closer to their preference. Meanwhile, the President can react and veto that which seems inconvenient.

It is worth metioning the limitation of data hereby presented. Since almost all vetoes interposed by the Executive were partial, it would be necessary to examine in detail what was vetoed and which was maintained to obtain a clearer image of the final result of the dispute inside de agenda. Such a task, however, was beyond the scope of this work. Considering that, it is not possible to corroborate or refute the first of the hypothesis drawn, even if it is clear that the Legislative is capable of legislating in that which is the most strategic realm for the Executive.
Testing hypothese 3: Distribution of rapporteurs and approval of Bill Conversions

The distribution of rapporteurships bills will be analyzed in this part to test hypothese 3. The congressman rapporteur have fundamental importance in defining the possible results of the processing of bills in Congress, as the rapporteur is in fact responsible for preparing the opinion dealing with the admissibility of a decree, as well as by compliance of amendments that, once incorporated, turn it into Bill Conversion.

The fact that the distribution of the rapporteurs of the decrees is not based on political criteria formalized the result suggests that the process reflects the actual distribution of party representation in Congress. As the following data make clear, it is observed that there is a predominance of rapporteurs of the parties with the highest benches that belong to the foundations of the government in the period. As noted in the chart below, PT and PMDB stand out, with the first rapporteurships occupying seventy (24.3%) and the second fifty-three (18.4%). Next comes the PFL / DEM with 9.7%, the PP with 26 special rapporteurs or 9%, and the PSDB with 7.2% of rapporteurs.

>>> GRAPH 3 <<<

When controlled by the government, the partisan distribution of the rapporteurs of the decrees and amendments processing is explicit government bias in the distribution of rapporteurs. During the Cardoso government most of the rapporteurs was in the hands of Congress party that made formally govern coalition (PMDB, PSDB and PP) or were allies near (PFL and PTB). In Lula’s both mandates most of rapporteurships was in charge of parties that composed the governist coalition, even though specially in the first opposition government has reported some cases. Graphics 4, 5 and 6 show the data.

>>> GRAPH 4 <<<

>>> GRAPH 5 <<<

>>> GRAPH 6 <<<

During Cardoso government the opposition parties were not favored with any rapporteur. The last coalition of the second mandate of President Cardoso, had PSDB, PMDB and PPB, formally controlling 45.22% of the seats in the Deputy Chambers. The output of the PFL coalition, breaking briefly a formal alliance that dated from 1994, was linked to the party's intention to launch a presidential candidate, taking off from the government enough to open an alternative itself. As we know, the strategy just not giving good results since, accusations of corruption eventually compromise the Roseana Sarney pre-candidacy for president in 2002.

The relevant fact for this analysis is that even being out of the governist coalition, 41.4% of Bill Conversions presented during the Cardoso government had distributed to congressmen rapporteurships of PFL. Also the PTB, that had
no ministry at the time, was in ahead of two rapporteurs. This was possible because neither party actually headed the opposition, preferring to stay in the position of “satellites” of the government. In any case, it is noteworthy that the distribution of the rapporteurs at the end of Cardoso government denotes the coalition continued to control the legislative agenda, with a predominance of rapporteurships distributed to parties of the base, or to parties close to the government, leaving no space for performance the opposition in the process of amend of decrees.

During two mandates of President Lula it is observed a similar of the Bill Conversions rapporteurships. As is known, the configuration of the governist coalition in Congress was more heterogeneous in partisan terms, when compared to the majority coalition that supported Cardoso. Besides the left-wing parties as PDT, PSB and PCdoB, ideologically closer to Lula’s PT, the governist coalition relied upon parties placed in the centre (PMDB) and right-wing (PL, PP and PTB), worth mention that in his first coalition year, and heterogeneous, was not contiguous, since only the PMDB is incorporated in 2004. If the reasoning is correct that most government delegates the power to legislate to the President and monitors the executive action by interfering in the legislative process initiated by him, it would be reasonable to assume that in the context of coalitions more heterogeneous composition of ideological parties, there is an intensification of political conflict within the governing coalition, which in turn can raise the costs of coordinating the coalition by the Executive or the leaders of the coalition, making room for a more systematic opposition in the Legislative process.

This helps explain why, contrary to what happened in Cardoso, the opposition could get rapporteurships in both Lula and the government makes more clear the first term, when the coalition government became more unstable. It should also be taken into account that the opposition in Lula I had more seats in Congress, specially in Senate, than in Cardoso government, which gave them greater bargaining power.

The distribution of rapporteurships status as occupied by the party’s rapporteur Bill Conversions from the government, the data show a distribution that favors special rapporteurs, mostly, to the Congress party allied with the government: 70.5% were of special rapporteurs, remaining 29.2% of the lawmakers who were not parties to the government based on the presentation of Bill Conversions, as shown in Table 4. This data shows that the process of changing the base decrees allied seeks to ensure control of the situation, especially if we consider that the parties here classified as “no government” are not necessarily opposed. The fact that the designation of the rapporteur be an assignment informally delegated to the Bureau makes it reasonable to assume that the threshold is President of the House who defines the distribution of the rapporteurs.

>>> TABLE 4 <<<

Data in Table 4, alone would not make the categorical assertion that is the basis that government can introduce more changes in decrees in the congressional arena, but have some evidence that the status of the rapporteur of the government account for the adoption of a Bill Conversion. In all three periods
analyzed the percentage of successful bill conversions reported by legislators belonging to the government's base is larger. However, except for the first mandate of Lula, the number of reported bill conversion outside of government is very small so that we can say that the fourth hypothesis was statistically supported.

The first Lula, the shown in the table above, in the case of bill conversions examined here stands for two aspects. First, is the period in which more rapporteurs belongs to parties "outside the government." Second, is the period in which, Greater Given the number of cases, we can say That there is a relationship Between decrees and the status of the rapporteur approval from the government.

The first part, the explanation seems simple. Throughout the first term the coalition government and has undergone several changes during various periods close to the government parties were outside the covenant. So it was with the PMDB in 2003, with PDT after 2004 and before 2005 the PP. In the second term these parties formed the coalition government during the four years which, of course, decreased the number of parties classified as "no government". On the other hand, the weight of the parties as opposition - PSDB, PFL / DEM and PPS - decreases in the second term. According to data from graphs 5 and 6, together with the bill conversions rapporteurships given to opposition parties in each of two periods, we observe that the rapporteurs were 49 non-government in Lula's first term, and only 15 in the second. This means that decreasing the size of the opposition seems to have affected the distribution of the rapporteurs of the bill conversions.

The percentage most significant Bill Conversions unapproved reported by legislators of "outside government" (24.5%) might be due to greater instability of the first Lula administration, particularly in the period following the election of Severino Cavalcanti for the Presidency of House of Representatives and which flows into the "mensalão" scandal. Note that the percentage of bill conversions unapproved Lula I is slightly higher than in Lula II (15.7% versus 10.2%). In the midst of crisis coordination difficulties increased with impact on the process of discussion and modification of decrees.

Testing hypothese 4 – Leadership Position of the rapporteur and approval of Bill Conversions

It is now verify the hypothesis that referees who also be leaders in Congress are more likely to have their Bill Conversions approved. Table 5 below shows the distribution of Bill Conversions a leading position occupied by the rapporteurs. The classification of the leadership positions that are considered as rapporteurs or have been party leaders, leaders of the bench, block leaders, leaders of government or the opposition or committee chairs.

Contrary to what was expected is not observed a predominance of Congress in positions of leadership in rapporteurships - 115 were "leaders" in the 278 cases
analyzed. The same is true when the periods are counted as separate governments: there is no government in a significant correlation between leadership position of Rapporteur and approval of bill conversions. Therefore, the hypothesis could not be proven, though, in general, the leaders fared slightly better: 16.5% vs 12.9%, but the difference is negligible.

Conclusions

The recent political reality in Brazil allows us to question the diagnosis concerning inferiority of the presidentialism face parliamentarism, at the same time that is refuted the thesis of a prevalence of an “explosive combination” for democratic governability. The political system in Brazil, despite its features “apparently” destabilize democratic regime - for example presidentialism, multiparty, federalism achieved political stability without prejudice to democratic governance. The multi-well was not an obstacle to the elected governments. The main reasons for this are due to the concentration of decision-making in the hands of the executive and the incentives for party discipline in Congress.

Nevertheless some scholars have pointed that such stability would be the result of "traits of the authoritarian regime" as the extended power of presidential decree. As seen here, also this diagnosis is not confirmed, given the reasonable degree of interference of the political agenda of the Congress through the Bill Conversions to presidential decrees. So, the presidential power to issue decrees with immediate force of law nor represents a form of undemocratic use of power by the executive in Brazil. This is due to the fact that the decrees require the approval of Congress, and especially because there is the possibility of effective modification of the decrees by Congress. This does not absolve the President to obtain legislative support and negotiate points of his political agenda.

So, even the advantageous position of the President over the Congress can override the interference of Congress in the legislation produced. The relative autonomy of the legislative chairs facing the Brazilian National Congress does not set up a situation in which these powers are used against the interests of the legislature, nor is it possible to circumvent it.

The approval by Congress of presidential decrees must be understood as a process of delegation of power from Congress to the executive. Lawmakers, in turn, can monitor the decrees through the activation of mechanisms such as “fire alarms” indicating the President any drift of his policy agenda in relation to their congressional majority. In another words, the basis of government support in Congress is not necessarily submissive to the President and is fit to interfere in decrees. So, the quantity of decrees converted in Bill Conversion is significant, in turn, contradicts the assertion that the congressmen would be interested only in particularistic policies directed to their constituencies by delegating to the President legislation of national scope.

The abusive use of the resource reprint of presidential decrees made to mobilize Congress to prohibit the reedition. The prohibition of reissue of decrees with the constitutional amendment of 2001 has 32, so the Bills Conversion tools
of great importance for changing the political outcomes of legislation initiated by the executive. The bills are formed in this way, such as windows of opportunity available to Congress legislation to interfere in the decrees. The distribution of rapporteurships does not follow the pattern established in the Resolution. 1, 2002 the National Congress and are the product of political decisions is not explicit in the legislative process.

From the total of 514 presidential decrees edited in the period (2001-2010) 288 were transformed in Bills Conversion, representing 56% of total decrees. Of those 288 Bill Conversions, 142 were approved in Congress (82.6%). After this, 112 suffered partial veto of and 125 were ultimately approved, representing a 43.4% of success rate the legislative (125/288).

On the hypothesis 1, it follows that the total of decrees published in the analyzed period, more than half (56%) was the object of transformation in Conversion Bill. Among the lawmakers who chose to modify more than 80% were approved in the Legislature. This rate also suggests that no statistically that the first hypothesis makes sense later, Bill Conversions 125 (43.4% of total submitted), and were approved into law, while another 112 were vetoed. Regarding the veto there is a predominance of partial vetoes, there is only one of the veto power was total. There are also variations in periods of government included in the analysis.

The hypothesis 2 about presidential vetoes, it was not possible to confirm because the period with the largest number of vetoes, the second government Lula (2007-2010) corresponds to a period of greater stability of the governing coalition in Congress, which goes against the formulation of hypothesis. The stability of the governmental coalition could be considered, in this sense, as an intervening variable in the number of presidential vetoes, but it did not happen exactly as expected. In this case, it appears that the Executive also monitors congressional action through the strategic use of vetoes. This is very important to understand that the game of decrees no ending in congressional arena and would be continued after the approval of Bills Conversion by Congress.

On the hypothesis 3 the pattern of distribution of the rapporteurs of the Bill Conversions suggests the use of a criterion in favor of this distribution, and this distribution tends to follow their own logic sharing the posts officers of the National Congress, also in the party bases. The status of belonging to the party’s rapporteur on the government points to a government bias in the distribution of special rapporteurs, with greater approval from Bill Conversion of rapporteurs of the base, but the small number of Conversion Bill undertakes statistical corroboration of the hypothesis number three, though data suggest that.

Hypothesis 4 can not be confirmed. The influence of the leading position occupied by the rapporteur on the approval of the Bill Conversion - because most of the Bill was not leading by rapporteurs. And while the leaders take some advantage in the adoption, it is not possible to categorically state the effect of the leadership position for the approval of Bill Conversion.
These results strengthen the argument that the Congress is not passive and in fact, it interferes on the political agenda put forth by the Executive. It also allows us to conclude that the Bill Conversions are a legislative “window of opportunity” for the congressmen, besides the fact that the approval game of decrees may continue beyond the arena of the Congress.

In short, the Brazilian presidentialism provides a shared agenda between the executive government, that the first mover in this game, and the National Congress, which functions as an arena of accommodation of interests and incremental change on the political agenda in Brazil.

References


Table 1 - Situation of decrees edited in Brazil 1988 - 2010

<table>
<thead>
<tr>
<th>Final situation</th>
<th>Decrees edited</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Converted</td>
<td>876</td>
<td>81.34%</td>
</tr>
<tr>
<td>In Process</td>
<td>67</td>
<td>6.22%</td>
</tr>
<tr>
<td>No efficiency</td>
<td>42</td>
<td>3.90%</td>
</tr>
<tr>
<td>Abrogation</td>
<td>39</td>
<td>3.62%</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>49</td>
<td>4.55%</td>
</tr>
<tr>
<td>Invalid</td>
<td>4</td>
<td>0.37%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1077</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>


Table 2 - Bills Conversions presented, partially vetoed and ultimately approved

<table>
<thead>
<tr>
<th>Govern</th>
<th>Year</th>
<th>Bill Conversions Presented</th>
<th>Bill Conversions (processing)</th>
<th>Bill Conversions (rejected)</th>
<th>Bill Conversions approved by Congress</th>
<th>Bill conversions approved (and partially vetoed)*</th>
<th>Bill conversions ultimately approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardoso (pós Constitucional Amendment 32)</td>
<td>2001</td>
<td>2</td>
<td>-</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2002</td>
<td>28</td>
<td>-</td>
<td>0</td>
<td>28</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>Lula I (2003-2006)</td>
<td>2003</td>
<td>29</td>
<td>1</td>
<td>0</td>
<td>28</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>2004</td>
<td>67</td>
<td>3</td>
<td>7</td>
<td>57</td>
<td>18</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>32</td>
<td>3</td>
<td>12</td>
<td>17</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>29</td>
<td>2</td>
<td>8</td>
<td>19</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Lula II (2007-2010)</td>
<td>2007</td>
<td>36</td>
<td>1</td>
<td>3</td>
<td>32</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>32</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>18</td>
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<td>5</td>
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<td>15</td>
<td>0</td>
<td>1</td>
<td>14</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>288</td>
<td>10</td>
<td>40</td>
<td>238</td>
<td>112</td>
<td>125</td>
</tr>
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</table>

Source: Based on data available in www.camara.gov.br * Deleted with a full veto, the Bill Conversion 3/2003.

Table 3 - Situation of veto Bill Conversions approved by government

<table>
<thead>
<tr>
<th>Government on the date of presentation of Bill Conversion</th>
<th>Situation veto of the Bill</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Without presidential veto</td>
<td>With presidential veto</td>
</tr>
<tr>
<td>Cardoso (pós CA 32-2001)</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Lula I (2003-2006)</td>
<td>65</td>
<td>37</td>
</tr>
<tr>
<td>Lula II (2007-2010)</td>
<td>47</td>
<td>67</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>125</strong></td>
<td><strong>113</strong></td>
</tr>
</tbody>
</table>

Source: Own elaboration based on data available in www.camara.gov.br * Refers to bills approved by Congress.
### Table 4 - Approval status of the bill by the party status of the rapporteur for the government

<table>
<thead>
<tr>
<th>Government on the date of presentation of Bill Conversion</th>
<th>Status of the party to govern</th>
<th>Approval status of bill</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>no-government</td>
<td>no-approved</td>
<td>approved</td>
</tr>
<tr>
<td>Cardoso (pós CA 32/2001)</td>
<td>Government</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Lula (2003-2006)¹</td>
<td>no-government</td>
<td>12</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Government</td>
<td>7</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>19</td>
<td>102</td>
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<tr>
<td>Lula (2007-2010)²</td>
<td>no-government</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Government</td>
<td>9</td>
<td>103</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>13</td>
<td>114</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td>40</td>
<td>238</td>
</tr>
</tbody>
</table>

Source: Own elaboration based on data available in www.camara.gov.br

¹ p <.05 Cramer’s V .228  
² p <.05 Cramer’s V .216  
* Excluding 10 bill conversions processing and 1 bill conversion without information about rapporteur.

### Table 5 - Approval status of the Bill Conversions by a leadership position of the rapporteur and Government

<table>
<thead>
<tr>
<th>Government in presentation of Bill Conversion</th>
<th>Leadership position of rapporteur</th>
<th>Approval situation of Bill Conversion (except processing*)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardoso (after CA 32/2001)</td>
<td>No leadership</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Leadership</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Lula (2003-2006)</td>
<td>No leadership</td>
<td>8</td>
<td>60</td>
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<tr>
<td></td>
<td>Leadership</td>
<td>11</td>
<td>42</td>
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<tr>
<td></td>
<td>Total</td>
<td>19</td>
<td>102</td>
</tr>
<tr>
<td>Lula (2007-2010)</td>
<td>No leadership</td>
<td>8</td>
<td>69</td>
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<tr>
<td></td>
<td>Leadership</td>
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<td>45</td>
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<tr>
<td></td>
<td>Total</td>
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<td>114</td>
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<td>GRAND TOTAL</td>
<td></td>
<td>40</td>
<td>238</td>
</tr>
</tbody>
</table>

Source: Elaboration mine, based on data available in www.camara.gov.br

* Not include 10 Bill Conversions in processing.
Graph 1 – Presidential decrees edited and reedited in Brazil (1988-2010)

Source: Elaboration mine, with data to www.presidencia.gov.br

Graph 2 - Decrees edited, Bills Conversions presented and approved by year (setember-2001/ December-2010)

Source: Elaboration mine, based on data available in www.camara.gov.br

* Count only those decrees and Bill Conversions 2001 after the Constitutional Amend 32/2011.

Graph 3 - Party distribution of rapporteurs of Bill Conversions (2001-2010)

Source: Elaboration mine, based on data available in www.camara.gov.br
Of the total 288 Bill Conversions, 9 have no information available about the party's rapporteur.

Source: Elaboration mine, based on data available in www.camara.gov.br