

# Congressional Debate Procedure

Unlike other forms of debate, Congressional Debate is governed by a fairly elaborate procedural system, with rules dictating who gets to speak and when, what order legislation will be debated in, and when a competitor can leave a chamber, among other things. Congressional Debate procedure is difficult to master, can be complicated, and often requires specialized knowledge. This chapter will walk through a Congressional Debate session from a procedural standpoint, enabling competitors to understand what happens in a session and why it happens. Eventually, these tools will be used by competitors who wish to run for presiding officer in their respective chambers.

## **Beginning the Session**

### **SETTING THE AGENDA**

Each tournament begins with the formation of the agenda, the order in which the bills will be debated. This usually happens in one of three ways. The first is the simplest: the

tournament has set the agenda beforehand, so a vote or any invocation of procedure is not necessary. In this case, competitors should write the pre-set agenda on the board in the chamber; no voting takes place, since the tournament has already mandated the order of the bills.

The second system is the most common. Here, competitors collaborate to form an agenda for the legislation in the docket they receive before the tournament. Several potential agendas are formed and then voted on by the members of the chamber. An agenda needs a majority vote for adoption. Consequently, several rounds of voting may be needed. Each time, if no majority is reached, the agenda with the lowest vote total is eliminated. If two agendas are tied with an extremely low vote total, both can be eliminated at once. If two agendas are tied for a vote total that is not the highest vote total but that still represents a significant number of votes, then a run-off vote is held to determine which is removed from the ballot. The losing agenda is eliminated and the winning agenda remains on the ballot. This process is repeated until a majority is reached. Agenda elections are conducted by a show of hands.

The final way in which agendas are selected is the committee system. This process divides the chamber into three committees, typically Foreign Affairs, Economics, and Public Welfare. Each piece of legislation will have been categorized into one of these three groups. Each committee then orders the legislation that has been assigned to it; hence, each competitor has a say over the order of one-third of the bills. Prior to the tournament, participants are informed of their committee assignments. Despite the differences in these three approaches, the result is the same:

an ordered list of the legislation to be debated during the tournament.

### **ELECTING THE PRESIDING OFFICER**

After an agenda is selected, the chamber elects a presiding officer (P.O.). The first step in the process is for a participant to rise and say “I move to open the floor for presiding officer nominations.” Typically, this motion is directed to the president pro tempore or staff member running the chamber. Once the floor is open for nominations, any member of the chamber may rise to nominate a fellow participant; no one may nominate himself. Each nomination requires a second by another member of the chamber and then the acceptance of the nomination by the nominee. Once all nominations have been made, a competitor moves to close the floor for presiding officer nominations.

As nominations are made, seconded, and accepted, the president pro tempore or parliamentarian creates a list of the nominees. Before the voting takes place, nominees are given a brief opportunity (no more than 20 or 30 seconds) to introduce themselves and explain why they should be elected. Nominees are typically recognized to speak in reverse order of nomination. Then, the voting begins.

Members of the chamber vote for one nominee, generally by writing the nominee’s name on a small slip of paper. The person running the election will collect and count the votes. If one student wins a majority of the vote, she is elected presiding officer. If no one wins a majority, there is a runoff. Typically, the runoff will be between every candidate except the one who received the lowest vote total in the initial balloting. If two or more candidates received fewer combined votes than the next lowest candidate, they can be eliminated from the ballot prior to

the runoff. If two candidates receive the same vote total that isn't the highest vote total, but collectively is greater than the next lowest candidate's vote total, a runoff is held between those two candidates to determine who is eliminated from the ballot. The winner then participates in the next runoff. This process repeats itself until one candidate receives a majority of the votes cast.

## **During the Session**

### **DEBATING LEGISLATION**

After a presiding officer is elected and an agenda has been selected, debate begins. No motion to open the floor for debate is necessary; the floor is automatically open once these initial procedures have been completed. The presiding officer will call for an author of the first item on the agenda. If no author is present, the P.O. will call for a sponsor. If no one sponsors the legislation, debate on the item cannot proceed. The chamber must either table it or recess until a competitor writes a sponsorship speech.

The times for authorship or sponsorship speeches vary by region. The National Forensic League specifies that they should be three-minute speeches followed by two minutes of cross-examination. After the first affirmative speech (either an authorship or a sponsorship), the presiding officer will call for a negative speech. The remainder of debate on the bill ideally will alternate between affirmative and negative speeches. It is possible, but not advisable, to have multiple consecutive speeches on one side of a debate if no competitor wishes to speak on the opposing side. If a P.O. calls for affirmative speeches and sees that there

are none, she proceeds to negative speeches. Participants should avoid speaking under these circumstances, though, as they tend to produce stagnant and uninteresting debate.

### **QUESTIONING**

In most regions, each speech is followed by a minute of questioning, except for authorships and sponsorships, which are followed by two minutes. If debaters wish to extend the questioning period, they must suspend the rules. A suspension of the rules requires a two-thirds supermajority of the total members of the chamber. The speaker making the motion must specify for how long questioning is to be extended (she should rise and say “I move to suspend the rules and extend questioning by x minutes/seconds”). Debaters generally should avoid these motions because they take time away from speeches, and one minute is usually sufficient to question a three-minute speech and produce clash.

### **ENDING THE DEBATE AND VOTING**

When debate reaches a point at which no members of the chamber wish to speak, or if the chamber thinks that debate has become stale, a member may move to the previous question (the speaker should rise and say, “I move to the previous question”). Calling for the previous question ends the debate and the chamber votes on the bill or resolution. Moving to the previous question on a piece of legislation requires a two-thirds supermajority of *all members* of the chamber. Typically, the vote on a previous-question motion is conducted by a voice vote. If the winner is unclear, then a member may call for a division of the house (by rising and saying, “I move for a division

of the house”). A division of the house entails a vote taken either by raising hands or standing up.

After previous question has been successfully called, the presiding officer will initiate a vote on the measure. Members have three voting options: affirmative, negative, and abstention (neither affirmative nor negative). With the exception of resolutions to amend the Constitution, all legislation requires only a simple majority of those present in the chamber, not including abstentions, to pass. A vote of 2 affirmatives, 1 negative, and 15 abstentions means that the bill passes because a majority of the non-abstentions voted affirmatively. On the other hand, a vote of 8 affirmatives, 9 negatives, and 0 abstentions fails because the majority of non-abstentions voted negatively. The presiding officer breaks a tie; she cannot abstain. This is the only point at which the presiding officer breaks ties. For all other simple majority votes, if there is a tie, then there is no majority and the motion fails.

#### **TABLING A MEASURE**

If, at any point, debate stalls but the chamber is not ready to call previous question, a member can move to table the bill (by saying, “I move to table this legislation”). If the motion is seconded and passed, debate ceases on the legislation for the moment, and the chamber moves on to the next bill or resolution. Tabling a bill requires a simple majority of the members currently present in the chamber.

Competitors should not abuse this motion. For example, tabling a bill when only half the chamber has spoken and debate is still lively is poor form. Tabling legislation should happen most often when debate has stalled but members of the chamber think they would be willing to

speak on the bill later in the day after they have prepared further.

### **RECESS**

After debate has finished on a bill, the house usually takes a recess. This is a 5–10 minute break in the middle of a session. Recesses are necessary because both judges and competitors will tire throughout the course of a session. To call for a recess, a member must have a specific amount of time in mind. For example, a competitor who wants a five-minute recess should rise and say, “I move for a five-minute recess.” This motion requires a simple majority of the members present to pass; usually, it is unanimously supported. Recessing when fewer than 30 minutes are left in a session is not advisable. If such a motion is made, the presiding officer should rule it out of order and proceed with the session.

### **PERSONAL PRIVILEGE**

If a competitor wishes to leave the chamber, she must invoke personal privilege by rising and saying “I rise to a point of personal privilege.” The presiding officer then responds, “State that privilege” and the member replies, “To exit/enter the chamber.” The presiding officer has discretion over whether or not the member can exit or enter. Usually, she will grant this motion, though she may deny it if several members have already exited the chamber and not returned. Members should spend no more than 5–10 minutes out of the chamber at any time. Some tournaments allow an open chamber, which permits competitors to leave the chamber whenever they wish without rising to a point of personal privilege. If the tournament so allows, then only a simple majority is required to open the

chamber. All chambers begin as closed chambers; a simple majority of competitors must vote to open it. Members in an open chamber should be respectful of their colleagues and not leave or enter the room during a speech or during a questioning period.

Debaters also use the motion of personal privilege to address the chamber on a procedural matter unrelated to the content of a bill. When requesting the privilege, a debater must follow the same process he would use to exit the chamber with one difference. When the presiding officer asks the speaker to state the privilege, she says “To address the chamber.” Members should use this privilege only rarely. A speaker should move to address the chamber only if the presiding officer is not addressing it or is not aware of a grossly unfair procedural matter. Otherwise, most competitors and judges will view it as a waste of the chamber’s time.

## **Points of Information and Points of Order**

If a competitor has a procedural question or a question about the competition, he should rise to a point of information (he should stand and say, “I rise to a point of information”). The presiding officer can either grant or deny it; the vast majority will be granted. After gaining permission from the P.O., the speaker should ask his question, and the presiding officer should answer to the best of her knowledge.

Different from the point of information is the point of order. While the point of information is used merely to gather a piece of information about the competition, the

point of order is used to correct a mistake made by the presiding officer that had a tangible effect on the session. For example, if the presiding officer incorrectly calls on a person who has given two speeches over a person who has given only one speech, the speaker who has been overlooked should state, "I rise to a point of order." The presiding officer will then recognize the speaker, and the speaker will point out the error. At this point, the presiding officer should correct the error.

### **Ending the Session**

When time for the session has elapsed, one of two things will happen. First, if the tournament has made each session its own legislative day (a complete and independent session of the Congress) or if the session is the last session of any competitive segment of the tournament (such as the last preliminary or semifinal session), a debater must move to the orders of the day, the motion used to conclude a session. The presiding officer alone rules on this motion. Once the chamber has moved to orders of the day, the previous question is automatically called on every bill or resolution for which debate has been opened but that has not yet been voted on. The presiding officer will conduct a vote on each of these pieces of legislation. Unless the tournament has instructed competitors otherwise, the students are free to recess after the votes are completed until the next session or segment of the tournament begins.

If the tournament has decided that each session is not its own legislative day, a debater will move to recess until the next session begins. Orders of the day will only be called during the final session of each segment of the

tournament (the last session in prelims, semifinals, and finals). Calling a recess does not entail a vote on open legislation; rather, the chamber picks up right where it left off when the next session begins.

### **Recency and Precedence**

Each tournament will have its own rules about precedence and recency. Precedence refers to the number of times a speaker has spoken in the legislative day. Students who have spoken less have higher precedence; the presiding officer is obligated to select the speaker with higher precedence. Recency refers to how long ago a speaker's last speech was given. Debaters with better recency are those whose speeches were further in the past; a debater who has spoken less recently will be called on over a debater who has spoken more recently but has the same precedence. If the tournament has determined that recency and precedence reset after each session, then the number of times each speaker spoke and the speaking order from the previous session are irrelevant to the speaking order in the next session. If the tournament decides that recency does not reset, the speaking order and the number of speeches given in the previous session determine the speaking order in the next session.

### **Amendments**

Amendments are the most complicated procedural matter in Congressional Debate. Amendments are changes made to particular bills and resolutions while the chamber is in

session. Typically, they are used to improve legislation or to correct minor errors in the original draft of a bill (for example, if a bill is slated to take effect in the past, it ought to be corrected via an amendment).

The amendment process begins with a competitor writing an amendment either on a sheet of paper or on an amendment form the tournament has provided. The written amendment should cite the section of the legislation being amended and explain which text is being removed and which is being added. For example, if a competitor wanted to change the date that a bill takes effect, his amendment should read: "In Section 4, change the text 'This bill shall take effect on March 1, 2011' with text that reads 'This bill shall take effect on March 1, 2013.'" After the amendment is written, the author must move to approach the chair. The member then hands his amendment to the presiding officer, and the P.O. and the parliamentarian determine whether the amendment is germane and does not alter the intent of the original legislation. If they decide that the amendment is germane, the P.O. will announce that to the chamber. At this point, the author of the amendment must move to amend. The presiding officer will then read the amendment to the chamber, which will vote on whether or not to begin debate on it. If one-third of the members present in the chamber agree to begin debate, the chamber ceases to debate the legislation as a whole and begins to debate whether or not the amendment should be added to the bill.

At this point, amending a bill can become confusing. Debate on the amendment begins with an affirmative cycle, but there is no authorship; the person who wrote the amendment is not entitled to give the first affirmative speech. Precedence and recency determine who gets to

speak on the amendment. Debaters should almost never speak on amendments. The speeches will be less meaningful than a speech on a typical bill, and they count against the speaker's precedence and recency. Instead, members should immediately call for previous question on the amendment. A two-thirds supermajority of the total membership of the chamber is required for the amendment to pass and become part of the bill.

## **Presiding**

Presiding is an important skill that, when done well, appears effortless. An excellent presiding officer is one who controls the chamber without dominating it. Achieving this goal and accomplishing the various tasks that accompany it are very demanding. Presiding officers need to be organized, efficient, and comfortable handling many tasks at once. They are responsible for selecting speakers, ruling on motions, and keeping the chamber moving along quickly.

### **GAVELING AND SELECTION PROCEDURES**

Once a P.O. is elected, she thanks the chamber and then announces her gaveling and selection procedures. The gaveling procedure recommended in most districts is to gavel once with one minute left in a speech, twice with 30 seconds left in a speech, and three times when there is no time left. Starting at about five seconds after time has run out, the P.O. should begin to gavel the speaker down, with the gavel taps getting progressively louder as time passes. This system communicates the time remaining to

the speaker without being intrusive and enables the P.O. to reclaim the floor from a speaker who has exceeded his time.

Selection procedure is more complicated. The NFL requires that presiding officers first use precedence and then use recency in determining who gets to speak next (the person with the fewest speeches gets called on first; if multiple individuals standing have given the same number of speeches, then the person who gave her last speech longest ago gets to speak).

To keep track of all the necessary information, presiding officers should make a precedence and recency chart. This chart should contain several columns on a sheet of paper, with each column numbered beginning with zero and increasing by one. In the column labeled zero, the P.O. should list the name of every student in the chamber. As students speak, their names should be crossed off the “zero” column and placed into the “one” column in the order that they spoke. All speeches should also be numbered, so a presiding officer, if challenged on recency, can explain her decision to the chamber using the specific speech number given by each competitor. Because not all competitors will be familiar with this type of recency chart, having additional information, such as the speech number and order, serves as a reliable fallback option for the P.O. When a student speaks for a second time, her name should be crossed out of the “one” column and moved into the “two” column. This process repeats itself until the end of the legislative day. Such a chart will make it very easy for the presiding officer to keep track of precedence and recency, since each speech will be numbered and precedence can be determined by which column the student’s name falls under. Below is an example of a recency and precedence chart. Precedence can be read from left to right (debaters

who have spoken fewer times are to the left); recency can be read from top to bottom within columns (debaters who have spoken less recently are toward the top of a column).

### Precedence and Recency

0 Speeches	1 Speech	2 Speeches	3 Speeches
<del>Berkman</del>	1 – <del>Sonnenklar</del>	7 – Shaw	13 – Sonnenklar
<del>Hannan</del>	2 – <del>Berkman</del>	9 – <del>Sonnenklar</del>	
<del>Meadows</del>	3 – <del>Hannan</del>	10 – Hannan	
<del>Miller</del>	4 – <del>Shaw</del>	11 – Berkman	
<del>Shaw</del>	5 – Walwema	12 – Meadows	
<del>Smith</del>	6 – <del>Meadows</del>		
<del>Sonnenklar</del>	8 – Miller		
<del>Walwema</del>			

If several speakers wish to speak and none has spoken, the presiding officer should randomly choose one. The presiding officer can use geography (where in the chamber a speaker is located) to decide. When using geography, P.O.s deliberately move across the room. For example, a presiding officer would first select someone from the right side of the room, then from the middle, then from the left before moving back to the right and beginning the cycle all over again. Geography is considered fair because location in the chamber is always fairly random. Presiding officers should take particular note of shorter competitors sitting in the back of the room; they are often difficult to see, so presiding officers should be sure to check if such competitors are standing prior to making a speaker choice.

How the P.O. sets the initial speaking order is not as important as whether the initial selection is fair and as unbiased as possible. No P.O. can avoid all bias, and even the best system will be subject to some degree of perceived unfairness. Two frequently used methods should be avoided, however, because they actually promote certain forms of unfairness. These systems base selection of speakers on “longest standing” and “activity.” Longest standing refers to the number of cycles that a debater has been standing and waiting to speak. Using this criterion to select speakers is flawed—many speakers will stand even when they do not have speeches prepared because they believe it is to their advantage: by standing, they ensure that they will be able to give a speech earlier than those who do not stand. Hence, it does not reward preparedness; it rewards strategizing. Activity refers to the number of motions made and questions asked by a specific competitor. This selection method is flawed because the presiding officer controls activity; she could merely select people from her school or people she likes for questions and motions and then use that to justify calling on them. This method does not minimize bias; it gives the presiding officer an avenue to introduce and mask bias.

#### **RECOGNIZING QUESTIONERS**

After the P.O. announces her procedures, her job is to keep the chamber moving. After each speech, she should call on questioners. Questioners should be determined in roughly the same way that speakers are, by precedence and recency. Finally, the P.O. should attempt to move around the room with questions as randomly and efficiently as possible.

A more sophisticated approach to recognizing questioners takes into account the debate as it occurs. Because

questioning is designed to increase clash in a debate, a presiding officer should recognize questioners to further this goal. For instance, if a speaker attacks the remarks of another member of the chamber, the debate would be improved if the member whose speech was attacked had a chance to ask a question of the speaker. In a similar vein, rewarding speakers who ask brief, sophisticated questions over those who ask long-winded or “softball” questions may be appropriate.

### **OTHER SKILLS**

Presiding officers must know all the rules that govern the chamber. They will be the ones who are asked procedural questions and are charged with knowing what the chamber must do after a particular motion or action. Prior to the session, the P.O. should determine the number of votes that makes a two-thirds supermajority as this number will not fluctuate during the session. The P.O. can then make reference to this number as needed throughout the round. She will still need to calculate majority votes as they occur to account for abstentions and students who are out of the chamber.

Presiding officers should also aim to minimize unnecessary rhetoric. Often, they have a tendency to be wordy when running the chamber. This wastes time that could be used for additional speeches. After each questioning period is over, the P.O. should seat the speaker, and then wait a few seconds to see if there are any motions. After entertaining all motions, the presiding officer should simply say, “Affirmative/Negative speakers please rise.” This is efficient and does not waste time. The best presiding officers are often those who say the least.

A presiding officer should constantly be thinking about who she is going to call on next. As explained above, during each speech, she should be determining who wishes to be recognized, but has not yet spoken and should also be checking precedence or recency. This will ensure that she is prepared to quickly call on a speaker.

Finally, a presiding officer should attempt to inject some personality and humor into the session. Sessions can often be long and dry for competitors and judges alike; judges are more likely to remember and reward a P.O. who made the session enjoyable. That said, presiding officers should not attempt to inject humor after every cycle, and their humor certainly should not distract from the debate. They must balance professionalism with the need to maintain a lively chamber.

In sum, a presiding officer can be the most important person in any debate round. She determines the flow of the session, is charged with knowing all procedures, and must determine who gets to speak. If she is efficient and organized, she can make a chamber run smoothly and the session enjoyable, and she will likely be rewarded for her efforts.

### KEY CONCEPTS

- Congressional Debate is facilitated by the use of parliamentary procedure.

- Each session begins with the setting of an agenda and the election of a presiding officer.
- Actual debate about legislation comes to an end when the chamber has passed a motion to call the previous question.
- Debaters must rise to a point of personal privilege to exit or enter the chamber.
- Debaters may call for a recess during a session, typically between debates.
- Debaters should use points of order or points of information to ask procedural questions or make procedural points.
- The presiding officer should be fair, efficient, and personable.
- The presiding officer should select speakers and questioners by a fair system that incorporates the concepts of recency and precedence.
- The presiding officer should keep time for all speeches and provide time signals via gavel taps.