

TO: GOVT 370 students

FR: Larry Evans

DT: January 19, 2011

RE: Simulation Exercise

As mentioned in the syllabus, a portion of Government 370 will be allocated to a simulation exercise in which students will be assigned roles as sitting members of the House and Senate. On three occasions since World War II, the House and Senate have created a temporary *Joint Committee on the Organization of Congress*, and charged this panel with developing plans for improving the internal operations of the legislative branch, the conduct of electoral campaigns, and other aspects of the congressional process. We will create the fourth Joint Committee on the Organization of Congress. The purpose of the exercise will be to expose you to the linkages that exist between procedure and policy, and to also help you consider the broader congressional process from the perspective of individual legislators. Keep in mind Rep. John Dingell's insightful observation: "If you let me write the procedure, and I let you write the substance, I'll screw you every time." The simulation will proceed in four stages.

STAGE 1. PREPARATION

As was the case with previous Joint Committees on the Organization of Congress, our reform panel will be bipartisan and bicameral in composition. That is, there will be an equal number of Democrats and Republicans, and an equal number of Senators and House members. Each party-chamber contingent will be appointed by the relevant leadership (me). The panel will have original jurisdiction. As a result, we will not begin formal committee deliberations with a base bill, but instead will accept proposals from particular committee members. At the end of the process, the proposals that have been accepted by the committee will together constitute the reform legislation.

Reform proposals that only pertain to Senate rules can be debated by both the House and Senate contingents on the committee, but only the Senate members may cast roll calls on such proposals. Similarly, all committee members can debate reform proposals that only deal with House rules, but only the House half of the panel may vote on them. Proposals that touch on both the House and Senate, in contrast, will be decided by the votes of all committee members. Such bicameral reform proposals, however, must secure majority support among the Senators and among the House members to be included in the committee reform package.

After consideration of the proposals from individual members, there will be a single up-down vote on the entire package of proposals – assuming that some individual proposals have been previously accepted by the committee. If none of the proposals from individual members have received majority support, then no vote on final passage is necessary, the committee deadlocks, and the members have some explaining to do to their colleagues and the folks back home. If some proposals have received majority support upon initial consideration, but the entire package

still does not receive majority support from the House and Senate contingents on the motion to report, then the committee likewise deadlocks, with the accompanying political damage. If, on the other hand, committee members do accept some individual proposals, and the entire package is supported by majorities (for both the House members and Senators) on the motion to report, then the reform measure is reported to the full House and Senate for further consideration. Our exercise will end with the roll call on the motion to report.

What is the mandate of this fourth Joint Committee on the Organization of Congress? For our purposes, any change in House or Senate rules, the budget process, or other statute that touches on the lawmaking *process* in either chamber or in conference deliberations will fall within the jurisdiction of the reform committee. Proposals that only relate to substantive policy programs (e.g., reforming Medicare, clamping down on hate crimes, channeling highway funds back home) fall within the jurisdictions of the standing committees of the House and Senate, and thus are not germane to the reform process and are out of order. Proposals that touch on the conduct of election campaigns (for instance, campaign finance reform proposals) or the lobbying process, however, are in order. In short, your reform mandate is very broad, but not unlimited.

Roles. On 4/5 or 4/6 (for section 2 and section 1, alternatively), I will assign you roles as members of the Joint Committee on the Organization of Congress. As much as possible, two students will be assigned to work together and "play" each of the committee members. Students will be assigned to the two-person "Member Groups" in a semi-random fashion. No switching. The Senate Republican contingent of the Joint Committee will include: Lugar (Co-Vice Chair), Cochran, McCain, and McConnell. The Senate Democratic contingent will include: Schumer (Co-Chair), Conrad, Reid, and Lieberman. The House Republican contingent will include: Dreier (Co-Chair), Cantor, Emerson, and Ryan. Finally, the House Democratic contingent will include: Slaughter (Co-Vice Chair), Dingell, Norton, and Kucinich.

In preparing for the simulation, I suggest that you think hard about where your legislator's interests in congressional reform are most likely to focus. I am looking for as much realism as possible in this exercise. There have not been many opportunities in recent years for members to cast roll calls on such matters. But the lawmaker's background and the nature of the various areas of congressional reform likely will provide you with ideas.

Proposal Memo. Working together and outside of class, the participants in each Member Group are responsible for drafting a jointly signed proposal memo to me (about two pages, single-spaced) outlining at least one significant reform proposal that they would like the Joint Committee to consider. Again, these proposals should reflect the interests of the relevant lawmaker, rather than the pet peeves of particular students. The proposal memos should begin with a careful description of the proposed rule or statutory change. You will need to explain with precision exactly how the change would be implemented (rules or laws to be amended, and so on). Following the description of your proposal, you should provide a carefully developed argument for why the change(s) should be adopted, as well as an analysis of the likely politics of the proposal (who probably will be in support, who probably will be in opposition, and why). The proposal memo is due at the end of class on 4/14 (section 2) or 4/15 (section 1). Turning in late proposal memos (or missing class on 4/14 or 4/15 is not an option.

STAGE 2. PARTY CAUCUS

During the regular class period on **4/14 (for section 2) or 4/15 (for section 1)**, the various Member Groups will caucus by party, with Republicans and Democrats meeting separately. The Groups representing Senate Co-Vice Chair Richard Lugar and House Co-Chair David Dreier will together lead the Republican Caucus. The Democrats will be led by the Groups for Senate Co-Chair Charles Schumer and House Co-Vice Chair Louise Slaughter. The purpose of the caucus meetings is to discuss the relative merits of the proposals that have been developed by the various Member Groups. At the end of this stage, each caucus should provide me with a list of four reform proposals (with support from a majority of a caucus required for a list to become the party list – you can deal with any bicameral differences within your caucus in any manner you see fit). I also will accept proposals from Member Groups who are not completely pleased with the list compiled by their caucus.

If individual Member Groups want to hold separate discussions within their own chamber-party contingents, or even across party lines, that certainly is permissible throughout the simulation, including the caucus stage or before. I also encourage students (both within and across Member Groups and parties) to hold discussions outside of class. As on Capitol Hill, no agreements between Member Groups are binding.

STAGE 3. CONCEPTUAL MARKUP

The markup stage of the simulation will begin during class on either **4/18 or 4/19, depending on the section**, and will continue in class through **the remainder of that week**. I will serve as the "neutral and fair-minded" chair/parliamentarian. This session is labeled a "conceptual markup" because we will be working with summaries of the reform proposals, rather than with actual legislative language.

To save time, no opening statements by Member Groups will be permitted at the beginning of the markup. All reform proposals included on the party lists will be in order, with the power to propose alternating between the two parties. First, the Democrats will offer a proposal from their list, then the Republicans from theirs, then the Democrats, and so on. I may make certain adjustments in the proposal order to ensure that related items are dealt with in sequence.

The Member Groups for Senator Lugar and Rep. Dreier will together decide who offers the Republican proposals; for Democrats, the groups for Senator Schumer and Rep. Slaughter will have that responsibility. For each proposal, five minutes of debate time will be allocated to supporters, and five minutes to opponents, with the relevant Co-Chairs or Co-Vice Chairs again making the decisions about who speaks. Since the Joint Committee was intended to be a collegial body, the grades of the students playing the Co-Chairs and Co-Vice Chairs will be determined in part by how inclusive they are with speaker selection.

I will pick out certain of the more interesting and important reform proposals suggested by individual Member Groups; these items also will be in order for consideration during the markup. A final list of the reform proposals to be offered will be distributed before the markup

stage begins.

After a proposal is debated, there will be a roll call on the proposal, with each Member Group casting a single vote. Again, only House members may vote on proposals that solely affect House rules and only Senators may vote on items that only affect the rules of that chamber. Proposed alterations in House rules can only be adopted if they are supported by a majority of the House contingent on the panel, and a similar majority of Senators must vote for a proposed Senate change for that item to become part of the broader package. Proposals that affect both the House and Senate sides of the panel must be supported by both a majority of the House and of the Senate contingents. After the individual reform proposals are considered, there will be a final vote on the entire package (assuming that we produce one). If a majority of the House members and a majority of the Senators on the committee support the motion to report, then the package is forwarded to the full House and Senate for further action. If a majority of one or both chamber contingents fails to support the package, then the Joint Committee gridlocks and the reform process ends.

STAGE 4. CONSTITUENT SPIN CONTROL

At the beginning of class on **4/25 (section 1) or 4/26 (section 2)**, you will be expected to turn in to me a brief (two pages, single-spaced) letter to your constituents explaining to them your individual reform proposal, your actions during the reform process, and the outcome of the Joint Committee's deliberations. Unlike the memo in Stage 1, students will work independently on this letter. As stipulated in the syllabus, the simulation will count for 20 percent of the final grade. Grades for the simulation will be based on the following four factors, in roughly declining order of importance: (1) the quality, quantity, and realism of your individual participation during the conceptual markup; (2) the quality, quantity and realism of your participation during the caucus stage; (3) the constituent letter; and (4), the proposal memo.