

Congressional Debate Legislation Guidelines

Most legislation should have a national/domestic focus that the U.S. Congress would have *jurisdiction* over, taking the form of a **bill**. A bill establishes details behind *how* a particular law must work, including when it takes effect, how much tax levy would be appropriated (if applicable), how infractions/violations will be dealt with, etc. A bill may answer the who, what, when, where—and most specifically how—but it will never answer “why.” Legislators explain rationale behind bills in their speeches, and how a bill implements its solution can spark deeper, more meaningful debate.

Students should consider what the U.S. Congress has jurisdiction over. Since the Executive Branch runs most of the agencies that enforce federal laws, understanding those helps; for more information, visit www.usa.gov/Agencies/Federal/Executive.shtml. While foreign affairs often fall under the jurisdiction of the Executive Branch, funding efforts such as USAID can have an impact on the success or failure of United States involvement in other countries, and therefore, can be framed as a bill. Inspiration for legislative ideas can be found at thomas.loc.gov.

Writing an effective bill involves more time and research than researching one written by someone else. Students must ask themselves what the legislation does, who is involved (government agencies), where it happens, when it is feasible to take place and how much time is needed for implementation, and how it should be carried out (a plan of action). All of these questions must be answered in writing the sections of the bill, with thoughtful consideration as to how thoroughly each section explains its plank of implementing the overall bill’s plan of action.

Resolutions are simply position statements on issues Congress does not have jurisdiction over (such as a foreign issue, although a bill can suggest foreign aid), or further action (such as amending the Constitution). Resolutions lack the force of law, and never establish enforcement.

Appropriate **topics** exhibit seriousness of purpose. The action proposed should be feasible, and such that the actual United States Congress might debate it. Topics should be debatable, meaning substantive argumentation exists on both sides. Legislation should be typed and double-spaced with line numbers, **not exceeding one page**. Capitalizing the words “WHEREAS” and “RESOLVED” in resolutions, and “SECTION” in bills, as well as inverse-indenting each clause or section helps to distinguish between ideas and concepts.

The samples above show proper formatting. In the resolution, note the semicolon, and how it precedes the word “and” at the end of each “whereas” clause, and the phrase “now, therefore, be it” at the end of the last “whereas” clause.

Note: Legislation that is submitted for consideration at the district and/or national tournament may be rejected if serious issues exist with the adherence to these guidelines.

Templates for bills, resolutions, and resolutions to amend the Constitution are available online at www.speechanddebate.org.

A Bill to Establish a Specific Policy

BE IT ENACTED BY THIS CONGRESS THAT:

1. **SECTION 1.** State the new policy in a brief
2. declarative sentence, or in as few
3. sentences as possible.
4. **SECTION 2.** Define any ambiguous terms inherent
5. in the first section.
6. **SECTION 3.** Name the government agency that will
7. oversee the enforcement of the bill
8. along with the specific enforcement
9. mechanism.
10. **SECTION 4.** Indicate the implementation
11. date/timeframe.
12. **SECTION 5.** State that all other laws that are in
13. conflict with this new policy shall
14. hereby be declared null and void.

Introduced by Name of School

A Resolution to Urge Further Action on a Specific Issue

1. **WHEREAS,** State the current problem (this needs
2. to be accomplished in one brief
3. sentence); and
4. **WHEREAS,** Describe the scope of the problem
5. cited in the first whereas clause (this
6. clause needs to flow logically from the
7. first); and
8. **WHEREAS,** Explain the impact and harms allowed
9. by the current problem (once again,
10. the clause needs to flow in a logical
11. sequence); now, therefore, be it
12. **RESOLVED,** By this Congress that: state your
13. recommendation for dealing with the
14. problem (the resolution should be a
15. clear call for action); and, be it
16. **FURTHER RESOLVED,** That (an optional additional
17. recommendation; if not used, end the
18. previous clause with a period).

Introduced by Name of School

Congressional Debate Evidence Rules

Based on recommendations from the Congress Evidence Committee, the Board of Directors had a discussion of how evidence is currently used in Congressional Debate and the concerns surrounding students' appropriate, substantiated, and ethical use of evidence in Congressional Debate speeches. The Board of Directors officially voted to adopt these Congressional Debate evidence rules for use during the 2017-2018 competition season and beyond.

7.1. Responsibilities of Contestants Reading Evidence in Congressional Debate

- A. **Evidence defined.** Debaters are responsible for the validity of all evidence they introduce in the debate. Evidence includes, but is not limited to: facts, statistics, or examples attributable to a specific, identifiable, authoritative source used to support a claim. Unattributed ideas are the opinion of the student competitor and are not evidence.
- B. **Oral source citation.** In all debate events, contestants are expected to, at a minimum, orally deliver the following when introducing evidence in a debate round: primary author(s)' name (last) and year of publication. **Any other information such as source, author's qualifications, etc., may be given, but is not required.** Should two or more quotations be used from the same source, the author and year must be given orally only for the first piece of evidence from that source. Subsequently, only the author's name is required. Oral citations do not substitute for the written source citation. The full written citation must be provided if requested by an opponent or judge.
- C. **Written source citation.** To the extent provided by the original source, a written source citation must include:
 - 1. Full name of primary author and/or editor
 - 2. Publication date
 - 3. Source
 - 4. Title of article
 - 5. Date accessed for digital evidence
 - 6. Full URL, if applicable
 - 7. Author qualifications
 - 8. Page number(s)
- D. **Paraphrasing, authoritative source versus general understanding.** If paraphrasing is used in a debate, the debater will be held to the same standard of citation and accuracy as if the entire text of the evidence were read. For example, if a debater references a specific theory by a specific author, the debater must also be able to provide an original source. If a debater were to reference social contract theory in general, that would not be an authoritative source that would require citation. However, if the debater references "John Locke's Social Contract," evidence would need to be available.
- E. **Ellipses prohibited.** In all debate events, the use of internal ellipsis (...) is prohibited **unless it is a replication of the original document.** Debaters may omit the reading of certain words; however, the text that is verbally omitted must be present in the text of what was read for opposing debaters and/or judges to examine. The portions of the evidence read including where the debater begins and ends must be clearly marked (as outlined in 7.1.G.2.).
- F. **Availability of original source.**
 - 1. When challenged, the original source or copy of the relevant (as outlined in 7.1.F.2.) pages of evidence read in round must be available to the student making the challenge within two speeches. In all debate events, for reference, any evidence that is presented during the round must be made available to the opponent during the round if requested.
 - 2. **Original source(s) defined.** Understanding that teams/individuals obtain their evidence in multiple ways, the original source for evidence may include, but is not limited solely to, one of the following:
 - a. Accessing the live or displaying a copy of a web page (teams/individuals may access the internet to provide this information if requested).

- b. A copy of the page(s) the evidence is on, the page preceding, and the page following, or the actual printed (book, periodical, pamphlet, etc.) source.
 - c. Copies or electronic versions of published handbooks (i.e., Baylor Briefs; Planet Debate, etc.).
 - d. Electronic or printed versions or the webpage for a debate institute or the NDCA sponsored Open Evidence Project or similar sites.
- 3. Debaters, even if they have acquired the evidence other than by original research, are still responsible for the content and accuracy of the evidence they present and/or read.
- G. **Distinguishing between which parts of each piece of evidence are and are not read in a particular round.** In all debate events, debaters must mark their evidence in two ways:
 - 1. Oral delivery of each piece of evidence must be identified by a clear oral pause or by saying phrases such as “quote/unquote” or “mark the card.” The use of a phrase is definitive and may be preferable to debaters. Clear, oral pauses are left solely to the discretion of the judge(s) and parliamentarian.
 - 2. The written text must be marked to clearly indicate the portions read in the debate. In the written text the standard practices of underlining what is read, or highlighting what is read, and/or minimizing what is unread, is definitive and may be preferable to debaters. The clarity of other means of marking evidence is left to the discretion of the judge.
- H. **Private communication prohibited.** Private, personal correspondence or communication between an author and the debater is inadmissible as evidence.

7.2. Definitions of Evidence Violations in Congressional Debate

- A. “Distortion” exists when the textual evidence itself contains added and/or deleted word(s), which significantly alters the conclusion of the author (e.g., **deleting ‘not’**; **adding** the word ‘not’). Additionally, failure to bracket added words would be considered distortion of evidence.
- B. “Non-existent evidence” means one or more of the following:
 - 1. The debater citing the evidence is unable to provide the original source or copy of the relevant pages when requested by their opponent, judge, or tournament official.
 - 2. The original source provided does not contain the evidence cited.
 - 3. The evidence is paraphrased but lacks an original source to verify the accuracy of the paraphrasing.
 - 4. The debater is in possession of the original source, but declines to provide it to a student who challenges, the chair, or the parliamentarian upon request.
- C. “Clipping” occurs when the debater claims to have read the complete text of highlighted and/or underlined evidence when, in fact, the contestant skips or omits portions of evidence.
- D. “Straw argument”

A “straw argument” is a position or argumentative claim introduced by an author for the purpose of refuting, discrediting or characterizing it. Reliance on a straw argument occurs in a debate round when a debater asserts incorrectly that the author supports or endorses the straw argument as their own position.

Note: A debater who acknowledges using a “straw argument” when verbally first read in the round, would **not** be misrepresenting evidence. However, if the debater fails to acknowledge the use of a “straw argument” and their opponent questions the use of such an argument, then that debater has committed an evidence violation.

7.3. Procedures for Raising Evidence Questions During a Congressional Debate Session

The procedures for making an In-round evidence question are as follows:

- A. Congressional Debate entries must rise to a point of information after a speech to formally request a copy of the evidence cited, the citation, or the original source of evidence. When requested during the point of information, the presiding officer will instruct the debater being challenged to produce the copy of the evidence, citation, or original source. The debater being challenged must produce the requested materials in a timely fashion. Should a debater feel they are not receiving the information they requested in a timely fashion, they may rise to another point of information for the presiding officer and parliamentarian to address the situation.
- B. Debaters who request the information may receive the evidence from the presiding officer within a period of two speeches. The round would not be put on hold for the request to be completed. For example, if a debater rises to a point of order after speech #4, then by the conclusion of speech #6, the requested evidence should be presented to the presiding officer.
- C. If after reviewing the evidence in question, a debater feels that an evidence violation has occurred, they may submit a formal allegation by completing an evidence challenge form (see Appendix) and, after making a motion to approach the chair, the debater will present the form to the presiding officer and parliamentarian.

7.4. Penalties for Resolving Evidence Violations During Congressional Debate

- A. All evidence challenges must occur during the session of Congressional Debate where an alleged violation took place, and should happen before a vote on the pending legislation. If the concern arises during the last cycle of speeches, the parliamentarian may grant a challenge after the vote, prior to the first speech on a new piece of legislation.
- B. Parliamentarians are responsible for resolving disputes between debaters regarding oral citations (7.1.B.); and written source citations (7.1.C.). When the parliamentarian has such a dispute in the round, the parliamentarian must submit the protest form to the tabulation committee. All protest forms will be submitted to the tabulation committee.
 - 1. The parliamentarian will determine the legitimacy of the challenge, and if the parliamentarian considers the request justified, the debater making the allegation will move a point of order to address the allegation to the chamber.
 - 2. The debater being challenged will be recognized by the presiding officer for a response to the evidence violation.
 - 3. The parliamentarian will evaluate the legitimacy and severity of the charge and make a recommendation to the presiding officer for action. The recommendation may be charged against either student involved in the dispute. Depending upon the severity of the offense, the parliamentarian may opt to censure the debater(s). Refer to section 7.5. for an outline of the severity of offenses and corresponding actions.
 - 4. The presiding officer will announce the parliamentarian's decision and recognize either/both debaters for consequent action.
- C. Procedures for Appealing the Parliamentarian's Decision
 - 1. An appeal can only be made if the issue-in-question has been raised, by a student, in the round. Appeals may only be made if the parliamentarian has misapplied, misinterpreted, or ignored a rule.
 - 2. A coach or school-affiliated adult representative must notify the tabulation committee of intent to submit an appeal of the parliamentarian's ruling within 20 minutes of the end of session as recorded by the Parliamentarian for that chamber.
 - a. The coach must submit the post-round appeal to the tabulation committee within 10 minutes of the formal notification of the intent to appeal. The allegation must be in writing and articulate the specific evidence violation and ruling that is being challenged.

- b. If the tabulation committee determines the appeal has merit, both parties involved in the original dispute will be given 20 minutes to respond.
 - c. The tabulation committee will make a decision and has the discretion of extending the time limits for these actions if circumstances do not allow a coach or school-affiliated adult to be available within the prescribed time limits.
3. At the district tournament level, the tabulation committee's decision to disqualify a student's rankings for that session can be appealed by the coach or school-affiliated adult. The following procedure should be followed:
- a. The appeal must be submitted in writing to the tabulation committee within 10 minutes of the notification to disqualify.
 - b. The tabulation committee will then submit the appeal to the national office representative(s). The committee will contact the national office representative once the written appeal has been received. Both sides will be able to provide written explanations and supporting evidence to defend their individual side.
 - c. A decision will be rendered in a timely manner. The decision of the national office representative shall be final and cannot be appealed.
 - d. No elimination session may occur before a ruling is made by the national office.
 - e. If the appeal is successful, any student(s) involved will receive the appropriate rank as if the evidence challenge was never called into question.
 - f. At the National Tournament, the appeal will go directly to the Rules Adjudication Panel, and accepted procedures and practices will be followed.

7.5. Penalties for Evidence Violations in Congressional Debate

- A. If the parliamentarian determines that an entry has violated one of the rules listed in 7.1(A-D, F-H) (oral citation, written citation, indication of parts of card read or not read, use of private communication), the parliamentarian must notify the judge(s) of the violation. The judge(s) and parliamentarian may at their discretion disregard the evidence, diminish the credibility given to the evidence, take the violation into account (solely or partially) in the ranking of chamber participants, or take no action. These offenses are considered minor and a parliamentarian sanction is the only prescribed penalty.
- B. If a debater(s) commits an evidence violation of "distortion" (7.2.A.), uses "nonexistent evidence" (7.2.B.), uses a "straw argument" (7.2.C.) or the use of "ellipses" (7.1.E.) such action will result in the debater(s) committing the evidence violation not being ranked by the judge(s) and parliamentarian. These offenses are considered major and censure by the parliamentarian would be applied.
- C. Evidence infractions violate the Code of Honor. Depending on the severity, an offense may result in the notification of said offense to the contestant's high school administration and chapter advisor, loss of all District and/or National Tournament merit points, including trophy and sweepstakes points for the offending student(s), and/or revocation of Association membership. These decisions would be left to the NSDA national office, and not the individual tabulation committee.

7.6. Tournament Adjustments in Congressional Debate

- A. Under no circumstance will a tournament or part of a tournament be re-run because of a violation of these rules.
- B. In the case of censure, all ranks and decisions made prior to the start of the round being protested stand and no revision of past session ranks will take place. Penalties listed in 7.4. will be applied.
- C. When a session has been held between the session being appealed and a final decision regarding the protest, the result of that session will be recorded as follows:

1. If the protest is upheld, all ranks and scores will remain as recorded. The evidence violation would apply only to the session in which it occurred and not affect prior or subsequent sessions.
2. If the appeal is upheld, the judge and/or parliamentarian will restore any ranks and scores that were earned by that debater.