

HANDBOOK

UNITED STATES SENATE



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MODEL COURTS OF JUSTICE



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THE UNITED STATES SENATE

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CONGRESSIONAL HEARING TO EXAMINE A DATA BREACH DELIBERATIONS ON DATA PRIVACY LAWS IN THE UNITED STATES AND BILL UNDER THE NAME OF DATA PRIVACY AND CONSUMER PROTECTION ACT

A. PROCEDURAL STAGE

“All legislative Powers herein granted shall be vested in Congress of the United States, which shall consist of a Senate and House of Representatives.”

Article 1 of the United States Constitution

Any act out of the scope of the authorities of the United States Senate shall be overruled by the Secretariat. Members of the Senate are expected to acknowledge the limits of the powers of the Senate.

B. COMPOSITION OF THE COMMITTEE

The United States Senate shall be composed of the Chairman and the Ranking Member of the Judiciary Committee, Senators, and the Defendant. The Defendant shall participate the sessions only in the course of the Hearing. The Rules which apply to the Senators shall also apply to the Ranking Members.

C. CONGRESSIONAL HEARING

Congressional Hearing is a formal meeting of a Congressional Committee to obtain and analyse information for use in its legislative policymaking activities. The Hearing includes

oral testimony from the defendant and questioning of the defendant by the Members of the Congress.

In the Model Courts of Justice, there will be a joint hearing of the Senate Committee on the Judiciary and Senate Commerce, Science, and Transportation Committee. The Senators will question the representative of Adroit on the recent data breach and following the completion of the Hearing, they are expected to discuss the current state of protection of personal data in the United States and the proposed legislation on data privacy.

The Hearing will start with the opening remarks of the Chairman and the Ranking Member of the Judiciary Committee and followed by the opening statement of the representative of Adroit on the incident. Then, with the recognition of the Chairman and the Ranking Member of the Judiciary Committee, the Senators will direct questions to the representative of Adroit and the representative will be expected to answer these questions. The duration of the speeches of the Senators while stating their questions shall be determined based on the discretion of the Chairman and the Ranking Member of the Judiciary Committee. The time limitation of the entire Hearing process shall also be determined by the Chairman and the Ranking Member of the Judiciary Committee based on the flow of the discussion.

D. BILL AND AMENDMENTS

A bill is the proposed legislation under consideration of the Congress. It may be introduced in the House of Representative or the Senate. Every Bill is obliged to be approved in both chambers of the Congress before being presented to the President of the United States to become a law.

In Model Courts of Justice, the Bill which will be evaluated and discussed by the Senators is called the Data Privacy and Consumer Protection Act. A hardcopy of his Act will be delivered to each Senator during the meeting. The Senators are expected to analyse the Bill prior to the meeting to shape their opinions on its provisions and possible amendments that may be discussed by the entire Committee.

The Senators may propose amendments to alter the pending bill. Amendments are required to be delivered to the Chairman and the Ranking Member of the Judiciary Committee and shall be introduced and voted upon following his or her approval.

Adopting amendments and bill require simple majority to pass.

E. VOTING PROCEDURES

There are three types of voting procedures in the Senate: roll call vote, voice vote, and standing vote.

- During a roll call vote, each Senator shall vote ‘Yea’, ‘Nay’ or ‘Abstain’ as his or her name is called by the Chairman.
- Voice vote requires the Senators in favour to say ‘Yea’ and those against to say ‘Nay’ following the question of the Chairman. The Chairman determines the results according to his or her best judgement.
- Standing vote requires the Senators to vote by raising their placards. This process may be used to confirm a voice vote.

F. WRITTEN PROCEEDINGS: WRITTEN TESTIMONY

Written Proceedings include the written testimony of the Representative of the Defendant.

A Written Testimony is the statement of the defendant on the subject of the Congressional Hearing that is submitted prior to the Hearing to provide relevant facts and clarifications on the wrongdoing in question.

In the Model Courts of Justice, the Written Testimony of Adroit shall include detailed information on the recent data breach and statements of the CEO on the controversies surrounding the company following this incident. The Written Testimony shall be prepared by the CEO of Adroit and made available to all the Senators prior to the Hearing.

G. PROCEEDINGS OF THE SENATE

Every day, following the prayer of the Chaplain, the Senate will start its session with recitation of the Pledge of Allegiance led by the Chairman. The Pledge is as follows:

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all”.

The Committee shall begin its session when the quorum is met. The Senate will start its first session with the Hearing on examining a data breach conducted by the web services provider, Adroit. Following the completion of the Hearing, the Senate will directly move on with the debate on data privacy and proposed legislation.

Each Senator will deliver their opening statements on the issue of data privacy. The Bill under the name of Data Privacy and Consumer Protection Act is already scheduled to be discussed at this meeting of the Senate Committee. Therefore, the Bill will be introduced by the Chairman and each Senator will receive a copy of it. After the Chairman and the Ranking Member of the Judiciary Committee establishes the General Speakers' List, the Senators may start the debate on the agenda item which will be automatically adopted. The debates are expected to revolve around the topics of current data privacy regulations in the United States, proposed legislation on the matter, and the outcomes of the Hearing.

The Senators are expected to discuss on possible amendments to the Bill. The Amendments will be delivered to the Chairman via electronic devices or message papers and may be introduced following the approval of the Chairman and the Ranking Member of the Judiciary Committee. Each proposed amendment shall be voted upon and after the closure of the debate, the meeting will come to an end with the voting of the final version of the proposed legislation.

REMINDER FOR ALL PARTICIPANTS

Participants of Model Courts of Justice 2019 are kindly reminded that plagiarism in the Position Papers or the Amendments shall not be tolerated by the Secretariat.

The Participants of the United States Senate are expected to submit their position papers on 7 February 2019, until 23:59. Position papers shall include remarks of the Senators on Adroit data breach and other relevant data breaches, data privacy regulations in the United States, and the proposed legislation under the name of Data Privacy and Consumer Protection Act. The Position Paper shall not exceed two pages.

The meeting of the Senate shall consist of the joint hearing of the Senate Committee on the Judiciary and Senate Commerce, Science, and Transportation Committee and after concluding the Hearing, the members of both committees will discuss the issues on data privacy and proposed legislation. Therefore, the topics being discussed in the Meeting shall be within the authority of these two committees.

Participants are asked to keep in mind that fictional facts that are not included as a fact in the Study Guide or Written Testimony will be inadmissible.