

Bridgeton's Polluted Waters: Simulation General Information & Logistics

General Information

Rep. Roberts [R-TN] and Rep. Duffy [D-MO] are Chair and Ranking Member on the House Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee. A major bill, the Water Infrastructure Bill of 2025 (WIB), with a 4-year authorization, has majority support in both the Republican and Democratic caucuses, but there is one outstanding issue – whether during floor consideration of WIB to attach Duffy's bill for a new regional drinking water supply program that would deal with drinking water quality in Duffy's District.^a Without agreement on that issue, the WIB will not move forward. As the Chairman and Ranking Member of the Subcommittee, Roberts and Duffy have the responsibility of finding a resolution to the issue. Leadership on both sides supports an agreement that is acceptable to both Roberts and Duffy, subject to final review. The WIB is an authorization bill, and Roberts and Duffy anticipate that appropriations will follow the authorizations approved in the bill.

The source of the drinking water in Duffy's District is Montana's Traverse Mountain. Water coming off the mountain flows into the Songo River, and travels hundreds of miles, through 4 states, before arriving in Duffy's District, where it is held in a reservoir just outside Bridgeton, the largest city in the District. Until recently, water arriving at the reservoir was relatively clean, requiring little treatment before being stored in the Bridgeton Reservoir. Increased residential and commercial development along the Songo River has, however, resulted in a marked increase in contaminated run-off, impacting water quality in both the river and reservoir.

^a Leadership has indicated that they have no intent to revisit another major water bill in the next 4 years. As a result, both the WIB and any attached bill that Duffy and Roberts agree upon must be for 4 years duration.

This simulation was written by Stephen B. Goldberg (Northwestern University) and Thomas H. Sander (John F. Kennedy School of Government, Harvard University), with Bettina Poirier (American University) and Ted Illston as part of the Harvard Kennedy School's (HKS) "Teaching Legislative Negotiation Project." These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion; they are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management. Special thanks to Randy Kutz for his early concrete suggestions on this simulation.

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According to a recent report by the Bridgeton Water Authority, pollution levels are such that providing the residents of Bridgeton and surrounding areas with clean, safe drinking water will require the construction of four water treatment plants as soon as possible. The cost of doing so, the Water Authority estimated, would be approximately \$70 million per plant, or a total of \$280 million.

Duffy seeks Roberts' approval to attach a new 4-year pilot drinking water program bill, which is under the jurisdiction of the Energy and Commerce Committee, into the WIB during floor consideration, which would enable Bridgeton to access federal funding for construction of the needed water treatment plants. In order to avoid the Congressional earmark prohibition, Duffy's new program is drafted to potentially be useful to other communities, but Bridgeton is the most likely candidate for funding. District residents, Duffy argues, did not cause the pollution, and should not have to pay for cleaning it up. Nor would it be feasible to require the many states through which the water passes to share the cleanup costs. Accordingly, Duffy contends, federal funding of the \$280 million cost of constructing the plants is appropriate.

The bill introduced by Duffy generally requires a cost share from the non-federal sponsor for projects funded under the bill. But to assist Bridgeton, the program also includes criteria that waive the non-federal cost share requirement in the event of certain economic or employment losses, a requirement for which Bridgeton would easily qualify.

Duffy's position is supported by the Democratic caucus, but not by the Republican caucus. The Republican position is that the costs of cleaning up the polluted water should be borne by the residents of Duffy's District.

There has been some discussion of this issue between Roberts and Duffy staffers, but no progress has been made. Roberts and Duffy will now seek to resolve the impasse.

Logistics

On the day of the negotiation training, each participant will be assigned to play the role of either Roberts or Duffy, and will be provided with Confidential Information for that role. Each participant will also be advised of the name of the participant with whom he/she is to negotiate. (If the number of participants is not divisible by two, some participants will be assigned to share a role.)

At the conclusion of the time allotted for the negotiation, if you have reached agreement, one of you should post/provide the Instructor with a summary of the terms of the agreement, as well as the names of both negotiators. If you did not reach agreement, post/provide the Instructor with a sheet that states "No Deal", and that contains the names of both negotiators. At the end of the negotiation debrief, please fill out the Feedback Form, which you can access at:

https://docs.google.com/forms/d/e/1FAIpQLSc9IOPaA4QqLYeoFsedSAbz4ufKtJrkyYap7_ADwupQ1q3ktA/viewform?fbzx=2026976851471714000

Negotiation Exercise Rules

1. You may, to the extent you believe it is strategically wise, disclose information in your Confidential Information to your negotiation “opponent”. You may not, however, show your Confidential Information sheet to him/her. (In a real-life negotiation, the other party can never be certain of the truth of your assertions. We do not want you to be able to eliminate that uncertainty by showing your Confidential Information sheet to the other party as proof of the truth of your assertion.)
2. You may not invent facts contrary or in addition to those contained in either the General Information or your Confidential Information. If you are asked a question to which neither the General nor the Confidential Information provides an answer, you should say that you do not know the answer.
3. The facts may indicate that your character did something that you personally would not have done. You cannot change that, but may discuss it in the post-exercise debrief.
4. You should not disclose any Confidential Information or the terms of any agreement to persons outside of your class or training program as they might do this training at another point, and knowing some of this information could substantially lessen their future learning.