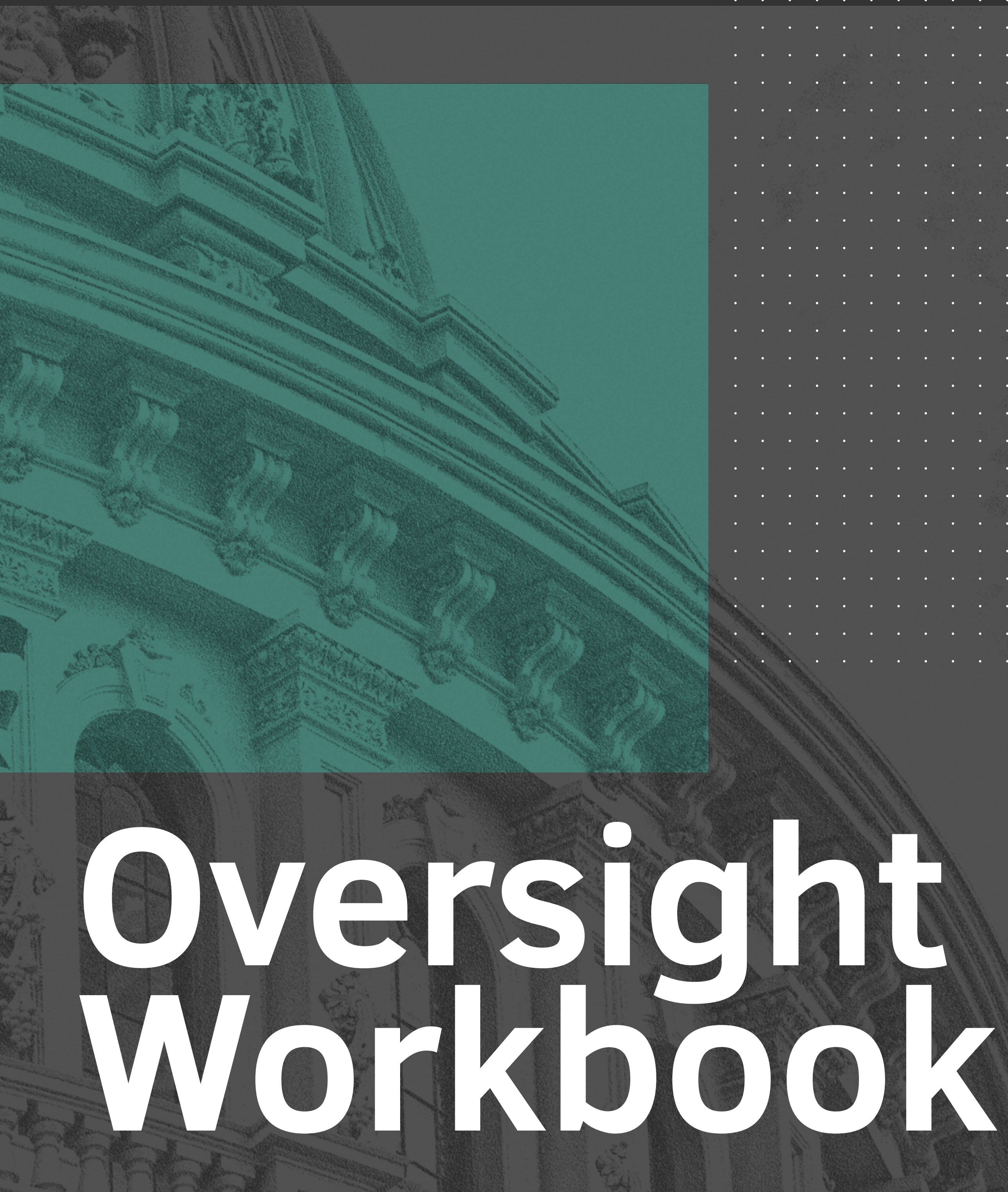


Oversight Workbook

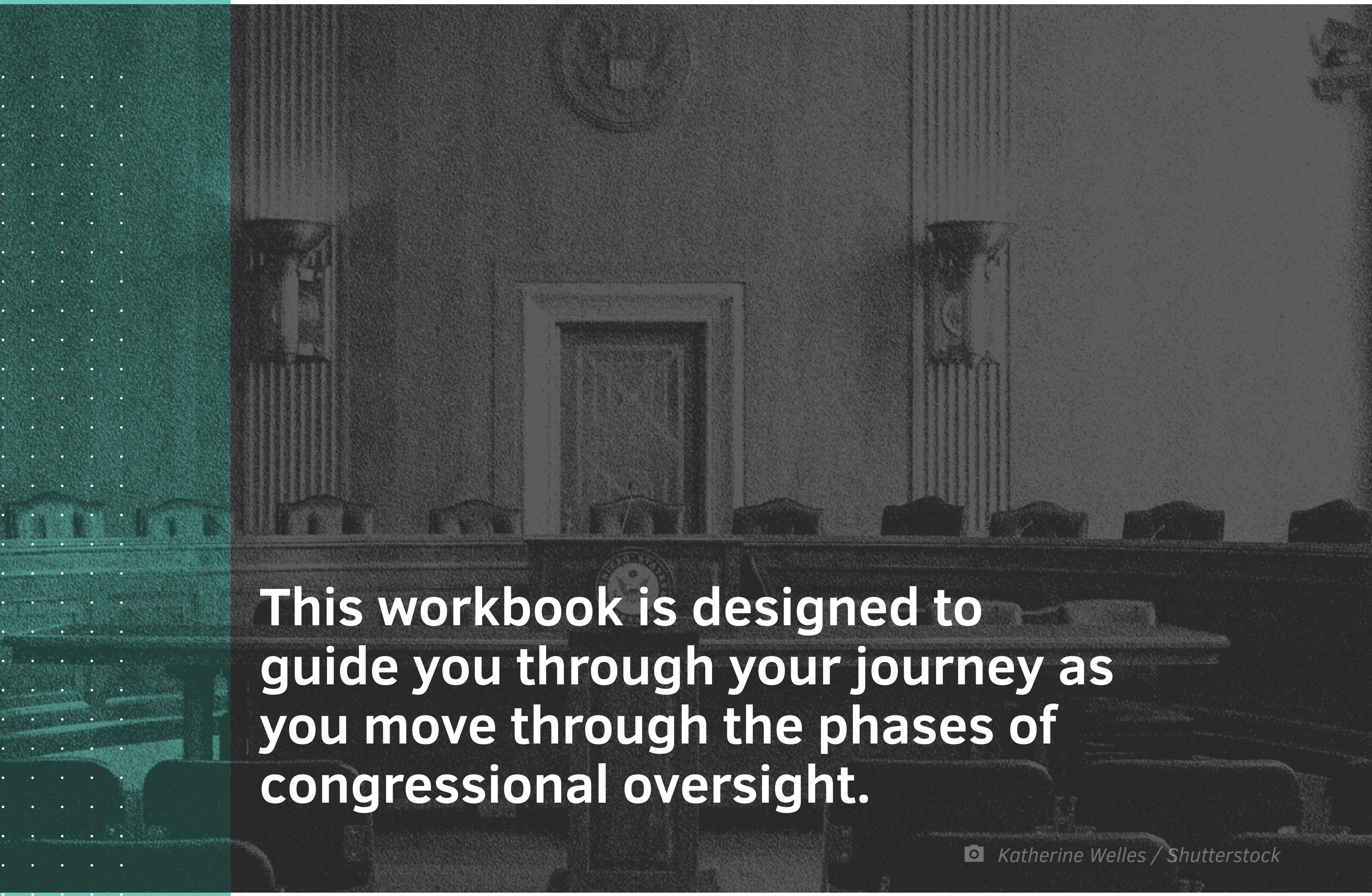
CONGRESSIONAL OVERSIGHT RESOURCE

Project On Government Oversight

Levin Center for Oversight and Democracy

Contents

Introduction

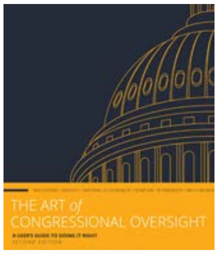


This workbook is designed to guide you through your journey as you move through the phases of congressional oversight.

Katherine Welles / Shutterstock

The workbook contains templates that will help you structure each of the four stages of effective oversight — the investigation, the report, the hearing, and the follow up. It provides detailed instructions and best practices for completing the included templates. By the end of these exercises, you will be well-equipped to develop your own oversight investigations.

THE ART OF CONGRESSIONAL OVERSIGHT



This workbook serves as a supplement to the Project On Government Oversight's handbook *The Art of Congressional Oversight* and twice-yearly Oversight Boot Camps in partnership with the Levin Center for Oversight and Democracy.

Download *The Art of Congressional Oversight* at: **www.pogo.org/oversight-resources**

What Is the Congressional Oversight Initiative?

The Congressional Oversight Initiative is a part of the Project On Government Oversight (POGO).

POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

Since 2006, POGO's Congressional Oversight Initiative has worked to help Congress perform one of its most important constitutional responsibilities: overseeing the executive branch.

The oversight functions of Congress are essential to creating an accountable federal government and upholding our democracy's system of checks and balances.

That's why the Congressional Oversight Initiative provides resources and training to help Congress improve its oversight capability and re-establish itself as a co-equal branch of government.

Over the past 16 years, we have trained thousands of staff — Democrats and Republicans, House and Senate, from hundreds of personal offices and nearly every committee office — on the best practices of oversight and investigations.

Top: Instructors Steven Groves and Elise Bean at the first Oversight Boot Camp in August 2015.
Bottom: An Oversight Boot Camp attendee takes notes.
Pam Rutter / POGO

OVERSIGHT BOOT CAMPS

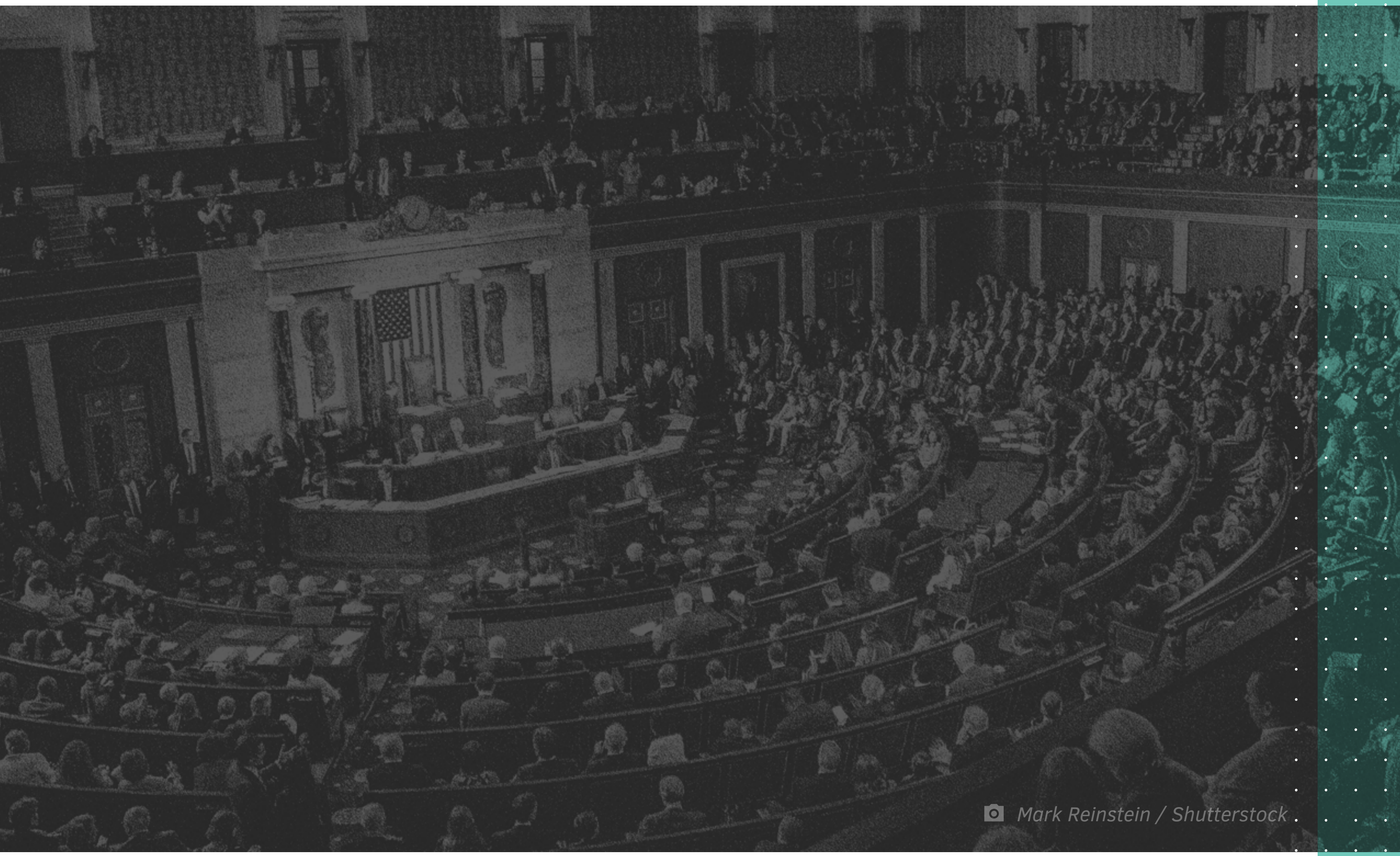
At least twice per year, POGO, in conjunction with the Levin Center for Oversight and Democracy and The Lugar Center, offers a two-day, intensive training session for congressional staff on the art and practice of oversight and investigations.

Each of these "Oversight Boot Camps" combines staff from the U.S. House and Senate, committees and personal offices, and the Democratic and Republican parties.

The goal of Oversight Boot Camp is to foster bipartisan, fact-based, in-depth investigations and to help create better trust and working relationships between staffers from both the House and the Senate.

Participants are equipped with tools, strategies, and tips they can use to execute effective oversight. The training focuses on four key elements of effective oversight: the investigative research, the hearing, the written product, and the follow-up plan.

Oversight in Five Steps



Mark Reinstein / Shutterstock

Congress not only has the right to conduct oversight of the executive and judicial branches — as well as of private companies and other institutions affecting the public's welfare — but also the responsibility to do so.

For best results, maximize bipartisan participation whenever possible.

01 BUILD AN INVESTIGATIVE PLAN

- Research the topic and develop the focus of the investigation. Meet with the Member for direction and revisions.
- Collect documents and data to help answer the question at the core of your investigation. These can include chairman letters, requests, subpoenas, surveys, and more.
- Conduct interviews of key persons, federal or state agencies, private-sector companies, or whistleblowers to learn more about the issue being investigated and the key players involved.

02 CREATE YOUR REPORT

- Adjust the hearing focus as necessary and write up your findings.
- If possible, include findings of fact and recommendations.
- Aim for original content, rather than summarizing pre-existing research and analysis.
- Meet with the Member for direction and revisions before you prepare the document for public release.

03 PLAN YOUR HEARING

- Design the hearing panels and select witnesses.
- Send witness letters inviting witnesses to testify. Each letter should spell out the issues to be addressed by the selected witness.
- Create hearing charts to illustrate key points.
- Select documents for hearing exhibits.
- Draft an opening statement, questions, a press release, and a background memo. Meet with the Member for revisions and guidance.
- Draft the staff memo and conduct a briefing for other committee members so they are familiar with the hearing topic.

04 DEVELOP A MEDIA STRATEGY

- Design and execute a press strategy to draw attention to the issue and your recommendations.
- Conduct the hearing and prepare the write-up.
- Draft post-hearing questions and circulate the written product, whether it is a report, a press release, a write-up, or something else.

05 FOLLOW UP

- Complete the hearing record.
- Take actions to address problems identified in the hearing.

The Investigation

A good investigative plan helps define both the topic and scope of your investigation.

When preparing for your investigation, make a plan that will help you organize your course of action. A good investigative plan helps define both the topic and scope of your investigation.

Start by narrowing the focus of your investigation.

PRO TIPS:

Build in Bipartisanship.

At the beginning of your investigation, inviting staff from both parties during a bipartisan brainstorming session will help ensure everyone's interests are reflected in the investigative plan, make it more likely that a wider range of ideas are included, and increase the likelihood of a thoughtful, thorough, and credible investigation.

Run the Plan by Your Office.

Once your initial plan is drafted, share it with someone in your office who's not working on the investigation.

Putting additional eyes on the plan may spark further ideas or identify potential areas of concern.

Get Your Boss's Approval.

Before starting the investigation, make sure your boss approves.

You don't want to waste your time doing research and reaching out to experts if the investigation doesn't align with your office's priorities.

01

Planning and Key Steps

Craft Factual, Open-ended Questions

Starting with one or more open-ended, factual questions will help frame your investigation. More importantly, starting with open-ended questions will allow you to follow the evidence wherever it takes you, rather than follow a hypothesis — which can lead to biased results. As you think through your questions, inviting staffers from both parties to an initial brainstorming session can help you build a more bipartisan and robust investigation plan that reflects the interests of both parties.

Develop Policy Areas

Develop a list of key policy areas that may be affected by your investigation. As you come up with a list of policy areas your investigation will touch upon, you'll necessarily be exposed to some of the laws and regulations that you will need to research during your investigation. Familiarizing yourself with these policy areas will also help you later in the investigation when you'll brainstorm possible legislative and administrative reforms. After you've identified the focus of your investigation, you'll need to review the work that others have already done in this area.

Conduct Research On Your Topic

Research the topic to see what you uncover. Ask yourself what kinds of preliminary background information you will need to research when learning about your policy issue. Looking for CRS, GAO, and inspector general reports on your topic is a great way to start and save a lot of time. Looking for recent news stories about the issue you're investigating can also be a great way to learn about the policy issue and how it impacts individuals and society.

Identify Key Experts

Identifying key experts who work in the field you're investigating can provide greater insight into the issue. These experts may include academics, practitioners, journalists, agencies, trade associations, companies, and those belonging to a community or population impacted by your topic. Talking to experts early on in your investigation can save you a lot of time and work by identifying the key areas needing congressional attention.

Collect Data, Documents, and Interviews

Think through what kinds of data and documents you will need to inform your investigation. Common forms of documents include chairman letters, requests, subpoenas, surveys, and more.

Besides requesting information from parties that inspired the investigation, you can also turn to state and federal agencies, which often have databases that can be helpful.

In addition, check to see if there are any lawsuits with pleadings and exhibits that can provide useful information.

If you will conduct interviews, who will you interview? What questions will you ask?

Other Considerations

Have you discovered other pieces of evidence that you want to explore that don't fit in any of the other sections? If so, take time during the planning phase to write them out.

Investigative Plan Template

FOCUS

Key Factual Questions:

Key Policy Areas:

RESEARCH AND EXPERTS

Research:

Experts:

PRIMARY SOURCES

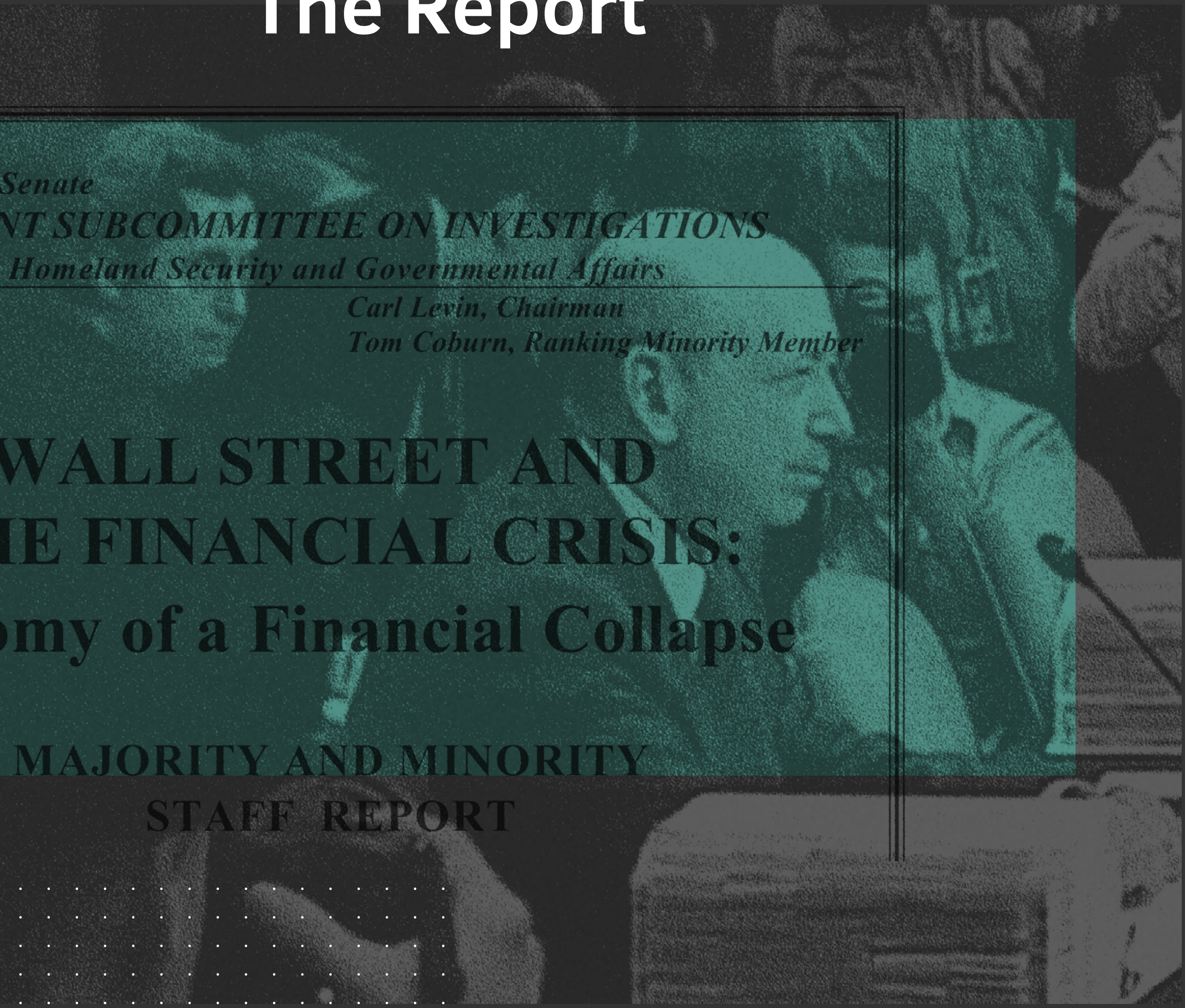
Data:

Documents:

Interviews:

OTHER

The Report



C-SPAN

A good report makes a compelling argument for change.

Once the investigation is complete, you will want to compile your research and findings into one cohesive document that outlines the issues and topics you uncovered during your investigation. The report contains an analysis of the issue, findings, and recommendations.

A good report makes a compelling argument for change, one that defines the problem and names its impacts, and it can be instrumental in helping pass legislation.

PRO TIPS:

Delegate Deadlines.

Assign team members sections of the report and internal due dates for review.

Stay Consistent with Citations.

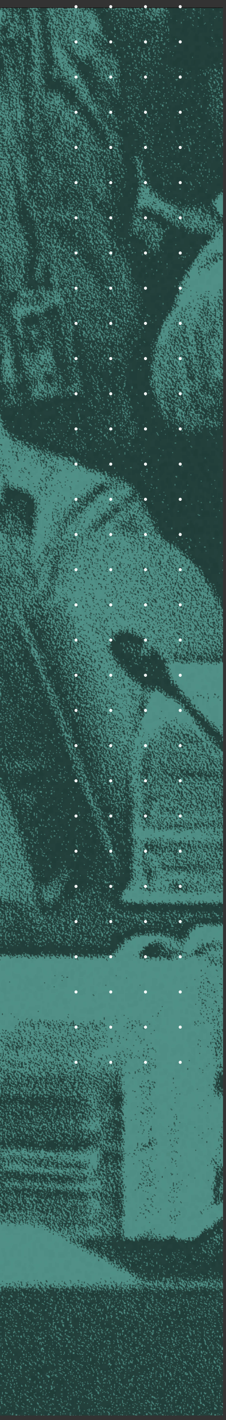
Agree up front on the citation style the report will use to save yourself time later.

Go Heavy on the Facts.

Detail the facts uncovered in your investigation throughout the major sections of your report. Source all your material to avoid criticism that your report is biased or inaccurate. Use exhibits, documents, and deposition excerpts to tell your story.

02

Planning and Key Steps



Devise a Catchy Yet Concise Title
The title should be clear enough to the reader to know what the report is talking about. The title can be very cut-and-dried, but coming up with a clever name can help get more attention and publicity for the report.

Assign Major Sections
When drafting a report, it's crucial to develop an executive summary to help condense your report into a few pages. An executive summary outlining key findings, information, and recommendations makes your report easier to read and easier for others to circulate. It's also useful to separate the report into sections that hit on the key points and themes you've uncovered during your investigation. These sections, when put together, should tell a clear story.

Establish Three Factual Findings
It's generally good practice to spotlight at least three factual findings you've identified in your investigation. A factual finding is a response to the factual questions you asked earlier in your investigation. For example, in a drug pricing investigation, you may find a business model employed by a pharmaceutical company that purposefully increases drug prices. These factual findings usually help identify the problem and explain why it occurred in the first place.

Implement Recommendations
As a rule of thumb, you should identify a recommendation to address each of the factual findings. Remember, critical to a congressional investigation is the identification of legislative solutions. As policy makers, legislators are in a unique position to offer and enact solutions to the problems they've identified. If you don't have a recommendation for a factual finding, then the factual finding may not be worth highlighting.

Report Outline Template

REPORT TITLE

MAJOR REPORT SECTIONS

THREE FACTUAL FINDINGS

THREE RECOMMENDATIONS

The Hearing

Hearings are one of best tools Congress has to focus attention on the problem you have uncovered.

Hearings are one of best tools Congress has to focus attention on the problem you have uncovered, educate the public on its actual or potential harms, and make a case for how to address it.

A good oversight hearing is well thought out and considers the structure of the hearing, which experts can speak to the investigative topic, and which visual aids will best demonstrate the facts you've identified.

PRO TIPS:

Think of a Hearing as a Show.

Identify the story you want to tell. Spotlight the actors, or witnesses, who are able to tell the story in the best way possible.

Charts and exhibits make great special effects that draw the audience into the hearing.

Connect With the Audience.

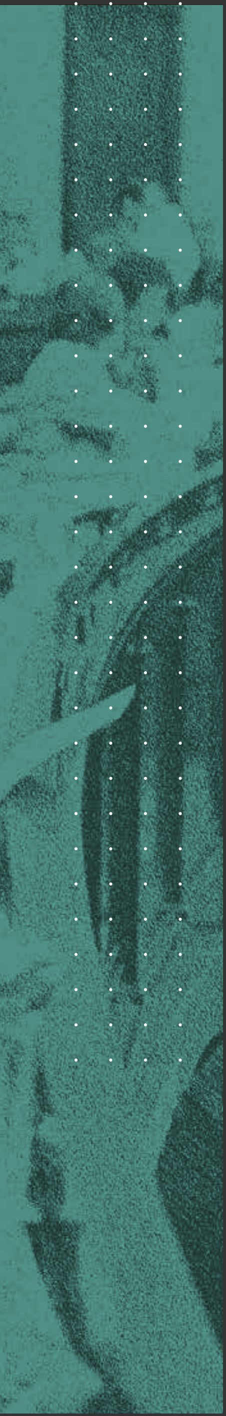
Are there people with lived experience of your topic who can explain why your investigation matters and your proposed reforms are necessary? These types of witnesses make the significance of your hearing clear, and their stories often capture the attention of the media.

Are there physical items you can bring in as exhibits? If you're highlighting certain technologies, for example, maybe a demonstration showing how they work could attract more media attention.

Plan Accordingly.

Most of the time, government witnesses will not appear on a panel with non-government witnesses. While this is not a hard rule, it may not be where you want to spend a lot of time and energy fighting.

03



Planning and Key Steps

Select Panels

Each hearing can have one or multiple panels. As you start your planning, identify how many panels your hearing should have and the timing of those panels. Each panel could be held on the same day, or they could be scheduled for different days. One benefit of holding multiple hearings on different days is you're able to narrow the focus for the audience to a particular theme or factual finding you've identified.

Identify and Invite Key Witnesses

For each panel, consider the topic of conversation and which witnesses could best help tell the story you want to tell. Once you've identified the witnesses, consider how testimony will flow from each witness into the following one.
To determine which panel is best suited to which witness, it is helpful to brainstorm what questions or topics you'd like each witness to cover.

Add Charts and Exhibits

Charts and exhibits can be very helpful when putting on a hearing. People are often visual learners, and seeing things can help them better understand and remember the facts you've identified. Charts showing trends over time can be powerful exhibits. Documents and excerpts from a deposition also make great exhibits.

Using charts and exhibits in a hearing have the added benefit of letting the evidence speak for itself. Finally, charts and exhibits are favorites of members of the media. Including clear, compelling exhibits to use can help you get good media coverage of the investigation.

Hearing Plan Template

PANEL ONE

Main points to be made by this panel:

Witnesses, with key questions for each:

Hearing charts and exhibits:

PANEL TWO

Main points to be made by this panel:

Witnesses, with key questions for each:

Hearing charts and exhibits:

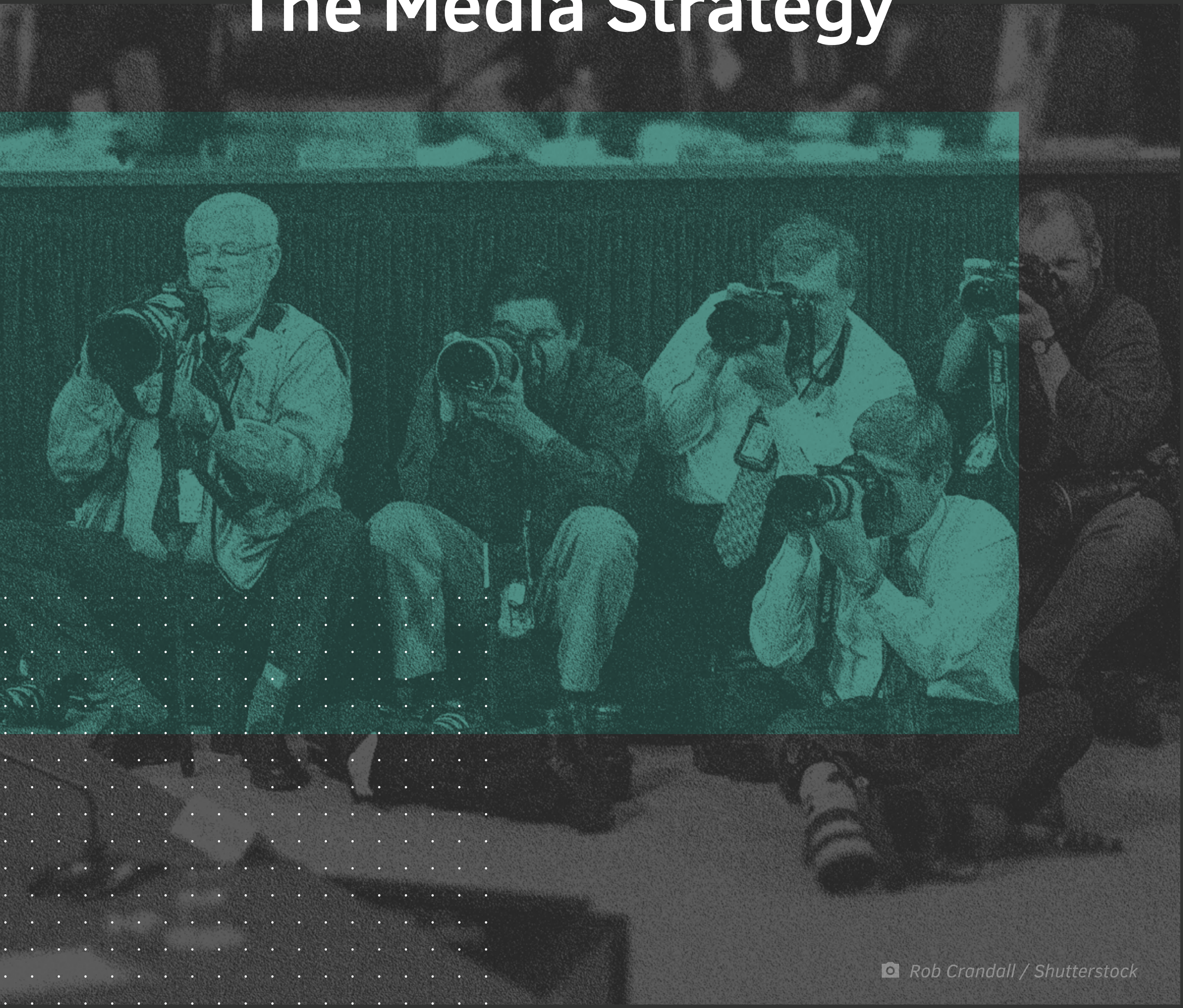
PANEL THREE

Main points to be made by this panel:

Witnesses, with key questions for each:

Hearing charts and exhibits:

The Media Strategy


Rob Crandall / Shutterstock

The media can be useful in drawing public support and in <u>bringing pressure</u> on the targets of your investigation.

The media can be useful in drawing public support to your issue and in bringing pressure on agencies or private sector targets of your investigation. Members can contact the press to express their concerns, encouraging reporters to call agency officials and draw attention to an issue.

To help your oversight work have the greatest impact, decide your media strategy ahead of time. A good media plan generally contains several elements to help guide both the timeline and execution of your media strategy.

PRO TIPS:

Coordinate Early.

Bring your press team onboard early in the investigation. Often investigative staff only bring in the press team weeks before a hearing. But if you start working with your press team early on, they can help build a press strategy to highlight the work you and your team have been working on for months, if not more than a year.

Set Up a Series of Dates.

Work backwards from the hearing date and the date on which you release the report. This will help better identify dates for specific action items.

Follow the Media Plan.

Hold yourself and your team accountable by putting the media plan down on paper.

04

Planning and Key Steps

REPORT

Prepare an Early Release of the Report
Often it can be helpful to release an embargoed copy of the report to a member of the media before it's released. This can help build interest in the report and encourage press coverage. When considering who in the media to release an embargoed copy to, think about which reporters have covered the topic previously. They're the ones most likely to be interested in both the report and the hearing.

Strategize a Press Release on the Report
If you are not releasing your report at the hearing, you should issue a press release when the report is issued. Include a quote from the chair, ranking member, and other committee members; consider including quotes from key targets in your investigation, as this can help highlight juicy details you've identified. A report press release should include the factual findings and key recommendations. The report's executive summary is a great tool to build the press release.

HEARING

Develop a Media Advisory on the Hearing
You should plan to do a media advisory about a week before your hearing, but several days in advance is sufficient time. This will give members of the media adequate time to prepare to cover the hearing. Remember that journalists are often working on multiple stories at once, and they sometimes need to get approval from editing staff to cover a story.

Organize a Post-Hearing Press Release
It's good practice to pre-draft a press release to be issued immediately after the hearing ends. This draft can be prepared in advance, since you usually have a copy of the witnesses' written statements days before the hearing occurs and you generally know what the witnesses will say. Issuing the release as soon as possible after the hearing is gaveled out will help ensure you beat the evening news deadlines.

OTHER STRATEGIES

Conduct Individual Press Calls
Another great press strategy is having the press team coordinate a press call with investigative staff. These calls will allow you to provide journalists with greater detail about the factual findings uncovered in the investigation and why they matter.

Direct a Press Conference
Consider having the chair and ranking member hold a press conference before or after the hearing, or when the report is issued. This can be a great way to provide the media with additional details uncovered in the investigation, since there is often limited time during the hearing.

A press conference also provides members of the media the ability to ask questions about the investigation.

Write an Op-Ed or Column
The press strategy for a congressional hearing or report is inherently national in focus. But remember, it's your boss' constituents that put them in office in the first place. Consider writing an op-ed or guest column in a local newspaper to tell your boss's constituents about the work their office has been doing and why it matters to them.

Consider Other Post-Hearing Press Events
Consider sharing a press release any time your team does something that builds off your investigation. For example, if you send a letter to an agency urging them to implement administrative changes, issue a press release. If you introduce legislation to address issues you've identified in your investigation, issue a press release. You've spent months or years working on the issue, and you want to make sure your boss is getting all the credit they deserve.

Media Plan Template

REPORT RELEASE

Number of days before the hearing?
Ending date and time for any embargo?
Will the copies be digital or paper? DIGITAL / PAPER
Who will release the report?

Date for report release:
Notes:

PRESS ADVISORY ON THE HEARING

Number of days before the hearing?
Will it be combined with a notice of press briefing? YES / NO
Who will draft the press advisory?
Who will send out the press advisory?

Date for press advisory:
Notes:

PRESS RELEASE ON THE HEARING

Number of days before the hearing?
Will it be combined with a press briefing? YES / NO
Who will draft the press release?
Who will work with the other party?
Who will send out the press release?

Date for press release:
Notes:

PRESS CONFERENCE ON THE HEARING

Number of days before the hearing?
Who will invite the reporters?
Who will set up the room?
Who will lead the conference?

Date for press conference:
Notes:

INDIVIDUAL PRESS CALLS

Number of days before the hearing?
Who will make the calls?
Which reporters will be called?
What is the message?

Date(s) to make calls:
Notes:

POST-HEARING PRESS RELEASE

Who will handle inquiries?
Who will schedule additional interviews?
Who will draft the release?

Date for press release:
Notes:

OTHER POST-HEARING EVENTS?

Supplemental report, findings, or developments? YES / NO
Follow-up with agencies or private sector entities? YES / NO
Introduction of legislation? YES / NO
Floor statement or speech? YES / NO
Op-ed or column? YES / NO

Notes:

05 The Follow-Up

Your investigation is not complete without a follow-up plan that will effect change or reform. Remember, when the hearings are gaveled out and the report is issued, your work is only half done.

Good follow-up can lead to more reports, secondary hearings, agency rule changes, or even legislative initiatives. Following up keeps those involved in the investigation accountable and keeps the topic at the forefront of people's minds.

The Follow-Up Plan Template

Think through what you want to get out of your follow-up work (your goal) and what actions you can take to fulfill that goal. Record your goal and the actions you'll take to follow up with federal agencies and private sector entities.

Consider if any possible legislation can come from this investigation. Ask yourself, "Is there anything else that can add to a strong wrap-up of the message we've been trying to get across?"

FOLLOW-UP FOR FEDERAL AGENCIES

Goal:

Actions:

FOLLOW-UP FOR PRIVATE SECTOR ENTITIES

Goal:

Actions:

POSSIBLE LEGISLATION

OTHER

(Referral letter, supplemental report, floor statement, speech, op-ed, column, etc.)

Notes

POGO

PROJECT ON GOVERNMENT OVERSIGHT

LEVIN CENTER FOR OVERSIGHT AND DEMOCRACY

Congressional Oversight Initiative at the Project On Government Oversight

1100 13th Street NW
Suite 800
Washington, DC 20005

www.pogo.org/coi

The Levin Center for Oversight and Democracy

471 W Palmer St.
Detroit, MI 48202

www.levin-center.org