



# **Inside Oversight: Levin Center at Wayne Law Tutorials**

## **SERIES 4 FOLLOWING UP ON THE INVESTIGATION**

### **Tutorial: Using Investigative Results to Produce Reforms**

In this video, Levin Center experts offer tips and advice on actions to take after an investigation to fix identified problems.

#### **Instructors**

Elise Bean, Former Staff Director and Chief Counsel  
Zack Schram, Former Senior Counsel, U.S. Senate Permanent  
Subcommittee on Investigations

#### **Transcript**

Elise: Hi. I'm Elise Bean, and this is Zack Schram, and we're here to share with you some tips we've learned over the years on how to use oversight investigations to produce needed reforms. Both of us conducted oversight inquiries for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Zack: The purpose of Congressional oversight is not just to expose a problem, but to do something about it. At the Levin Center, we call the effort to fix identified problems as the follow-up phase of the oversight process. In this segment, we'd like to offer you some tips on effective follow-up.

#### **Write A Follow up Plan**

Elise: Tip Number One: Write a follow-up plan. After your hearing or report is done, take a breath, and brainstorm with your investigative team – on a bipartisan basis, if possible – about what you can do to fix the problems you've uncovered.

Have someone write down the ideas. If possible, assign specific tasks to specific staffers. Specify deadlines as well as the overall time frame for the follow-up effort. The rule of thumb used by Senator Levin was to continue follow-up for at least two years. To help you get started, the Levin Center has designed a template for a follow-up plan you can download from the website. Feel free to use and improve it.

**To get a copy of the Levin Center's free  
Follow Up Plan template, visit:**

**[law.wayne.edu/plantemplate](http://law.wayne.edu/plantemplate)**

### **Be Creative About Possible Reforms**

Zack: Tip Number Two: When developing a list of possible follow-up actions, be creative. If you included recommendations in a report or your boss announced possible reforms at a hearing, include those on your list, but don't limit yourself to what has already been announced. If possible, ask your colleagues on the other side of the aisle to contribute ideas. Consider a range of possible actions involving a variety of actors, including individuals, corporations, trade associations, licensing bodies, agencies, and international bodies. Possibilities include changes in business or agency standards or practices, policy changes, personnel changes, administrative rule changes, and, of course, legislation.

### **Spread the Word About the Investigation and Possible Reforms**

Elise: Tip Number Three: Include in your follow-up plan steps to spread the word about your investigation. Distribute copies of any report, your boss' opening statement, or a press release to policymakers and others, including Members of Congress, House and Senate committees, agencies, private groups, and key individuals. Put copies on the website of both your boss and the committee. If you think key agencies won't take the time to read your report, set up a meeting with key agency officials, hand out the report at the meeting, and explain your findings and how the agency could help address the problem. If there is a public interest coalition interested in the issue, arrange a similar meeting with them and ask for help.

### **Set Up Periodic Meetings**

Zack: Tip Number Four: Set up meetings with key players and track their actions. Meetings can be scheduled with key officials in an agency, a corporation, or a private group. They can focus on actions that the party itself has promised to take

or on actions called for by your boss. The meetings can be scheduled on a monthly basis at first and on a quarterly basis later on. To spur action, you can call each party 1-2 weeks before the meeting date to remind them it's coming up. The meetings are more likely to produce results if Congressional staffers from both sides of the aisle attend.

### **Send Referral Letters**

Elise: Tip Number Five: Consider sending one or more referral letters to hold wrongdoers accountable for their actions. Referral letters typically follow a Congressional investigation that's uncovered possible wrongdoing by an individual or entity. Some committees have specific rules and standards for when to send a referral letter, but anyone, including an individual Member of Congress, can send one. The letters are usually sent to a law enforcement agency that can take action against the wrongdoer such as the Department of Justice, Securities and Exchange Commission, or a regulatory agency. Letters can also be sent to groups that police certain professions, such as a bar association or licensing office. In all cases, letters signed by Members of Congress from both sides of the aisle will have a bigger impact than letters signed by Members from only one party, so aim for bipartisan signatures.

### **Use the Bully Pulpit**

Zack: Tip Number Six: Use your boss' bully pulpit to not only publicize the investigation, but also to call for reforms. Alternatives include drafting an op-ed for a local or national paper, a column for an Internet site, or a statement to be given on the floor of the House or Senate. Your boss can also provide radio or television interviews, give a speech, or set up a town hall or Internet-based event, to carry the message. Another possibility is for your boss or you to participate in relevant conferences or meetings. Using the bully pulpit to spur change is limited only by the time and energy that your boss and you are willing devote to it.

### **Introduce Legislation**

Elise: Tip Number Seven: Still another alternative to effect change after an investigation is to introduce legislation. When drafting the legislation, be sure to use the information learned from your investigation to design effective reforms. Legislation with bipartisan sponsors is more likely to advance, so be sure to ask your colleagues across the aisle if their boss would be willing to join your boss on the bill. When you introduce the bill, be sure to describe in a press release or a floor statement the investigation behind it.

## **Using Investigative Results to Produce Reforms**

- 1. Write a follow-up plan.**
- 2. Be creative about possible reforms.**
- 3. Spread the word about the investigation and possible reforms.**
- 4. Set up periodic meetings.**
- 5. Send referral letters.**
- 6. Use the Bully Pulpit.**
- 7. Introduce legislation.**

Zack: An oversight investigation is not complete until you've tried to fix the problems you've identified. We hope these tips will help you think of productive actions to take during your investigation's follow-up phase.

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