



Inside Oversight: Levin Center at Wayne Law Tutorials

SERIES 4 FOLLOWING UP ON THE INVESTIGATION

Tutorial: Introducing Legislation after an Investigation

In this video, Levin Center experts offer tips and advice on introducing legislation after a Congressional investigation.

Instructors

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Subcommittee on Investigations

Transcript

Zack: Hi. I'm Zack Schram and this is Elise Bean, and we're here to share with you some tips we've learned over the years on introducing legislation as a follow up to a Congressional investigation. Both of us conducted oversight investigations for Senator Carl Levin on the Permanent Subcommittee on Investigations in the U.S. Senate.

Elise: After your investigation is done – and sometimes earlier than that – your boss may want to introduce legislation to fix some of the identified problems. Here are a few tips to help you introduce a useful bill.

Identify key problems requiring legislation to fix

Zack: Tip Number One: Identify the problems from your investigation that require legislation to fix. Many problems can be solved short of legislation – through regulation, changes in agency or corporate practice, or legal action against

wrongdoers. But some problems can be fixed only by changing the law. The first step is to identify those problems, and make sure they are important enough to your boss to devote the time and energy needed to introduce a bill.

Develop alternative approaches

Elise: Tip Number Two: Develop several different bill approaches, and find out which one your boss prefers. Brainstorming with your investigative team, counterparts across the aisle, experts, and others can help identify possible reforms. However, be careful when asking for help so you don't inadvertently raise expectations about the bill or imply someone will play an insider role on the bill when they won't. When thinking about alternatives, consider whether your boss wants to send a message about the problem or actually fix the problem, which is a lot harder. Next, draft short descriptions of the possible approaches, and give the descriptions to your supervisor for guidance on what will appeal to your boss. Then offer the best ideas to your boss for a final decision.

Work with legislative counsel to draft the bill

Zack: Tip Number Three: Once your boss supports a specific approach, work with the House or Senate Legislative Counsel's office to draft the text of the bill. Both the House and the Senate have lawyers on staff whose sole job is to draft legislation. They can help turn your ideas into statutory language and navigate important technical issues. At the same time, they are unlikely to be familiar with your investigation, so don't hesitate to explain the issues and findings, offer ideas, and suggest changes to any draft bill they send you.

Aim for bipartisan cosponsors

Elise: Tip Number Four: Work to get bipartisan support for the bill, since bipartisan bills are more likely to advance in Congress. Consider soliciting ideas from your colleagues across the aisle who worked on the investigation, and try to incorporate at least some of those ideas into the bill you develop. Once your boss approves a draft bill, provide it to your counterparts and ask for their boss to cosponsor. Be open to negotiating over the bill provisions to gain their boss' support. Consider taking similar steps with other Members from across the aisle interested in the issues. If you can get one bipartisan cosponsor, that Member's staff may be able to help you get more.

Be strategic when seeking bill cosponsors

Zack: Tip Number Five: Be strategic when seeking cosponsors for the bill. Think about whether you want a lot more cosponsors from one party than the other. Try to identify Committee chairs or subject matter leaders whose support would attract

other Members of Congress. Also try to identify Members whose constituents would likely strongly support the bill. Consider a mix of conservatives and liberals from both parties.

Work to get outside support for the bill

Elise: Tip Number Six: Once you have a draft bill, work to get outside support for it. A first step is to identify possible public interest groups, trade associations, corporations, agencies, experts, or others that might support the bill. Contact each separately, provide a bill summary, and solicit their support. Again, be prepared to negotiate over the bill provisions to address any concerns, but be careful about allowing outside parties to draft the actual bill provisions. Consider asking potential allies to endorse the bill in a letter or other statement. On the day the bill is introduced, consider holding a press event with your cosponsors and allies, and ask them to issue press and social media statements in support of the bill.

Introduce the bill with a floor statement

Zack: Tip Number Seven: When you introduce the bill, be sure to submit a floor statement from your boss describing the underlying investigation, the bill provisions, and the bill's supporters. By building the case for reform, the statement can help generate support for the bill in Congress, the public, and the media. Bills backed by investigations are also often seen as more credible and worthy of support, since they have a solid factual foundation. In addition, if the bill were to become law, the floor statement would provide key legislative history to guide administrative agencies and courts on how to interpret it.

Ask for committee consideration

Elise: Tip Number Eight: Once the bill is introduced, ask for committee consideration. If the bill has been referred to your committee or any other committee where your boss is a member, your boss should ask the Committee Chair to hold a hearing or add the bill to the next committee markup. If the bill has been referred to a committee where your boss isn't a member, your boss should contact that Committee's Chair with the same request. In addition, your boss should try to identify a colleague on that committee who might be willing to champion the bill and work to get it a hearing and markup.

Consider using a legislative vehicle

Zack: A final tip: If committee consideration does not look likely, you may want to consider looking for a legislative vehicle your boss could use to add the bill's provisions during House or Senate floor proceedings. Possibilities include

appropriations bills, continuing resolutions, the annual defense reauthorization bill, or any other large bill moving through Congress.

Introducing Legislation after an Investigation

- 1. Identify key problems requiring legislation to fix.**
- 2. Develop alternative approaches for your boss.**
- 3. Work with Legislative Counsel to draft the bill.**
- 4. Aim for bipartisan cosponsors.**
- 5. Be strategic when seeking bill cosponsors.**
- 6. Work to get outside support for the bill.**
- 7. Introduce the bill with a floor statement.**
- 8. Ask for committee consideration.**
- 9. Consider using a legislative vehicle.**

Elise: Enacting legislation is one of the hardest jobs in Congress. We hope these tips will give you a head start on your legislative efforts.

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