Public Policy 264S.14 – Fall 2011
Backgrounding from the Outside In

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Sep. 7, 2011

For the next several weeks you'll be looking at a variety of sources to get enough background on your program to know what it's supposed to accomplish, what was promised and how it's supposed to work. You'll use materials from news stories, specialized publications, and other secondary sources combined with primary sources primarily through Congress.

Be sure to look ahead on the weekly schedule. It's important to know what you're leading towards so you don't get bogged down in the material. It's also important to know that you'll have a whole week sometime in the future to delve further into some of this material.

You have five deadlines associated with backgrounding:

1. Sunday, Sept. 11: By midnight, post the material you've found with some summary of what is contained in each document. Be sure to include links to material you found on the Internet, or sources if you found them through Nexis or other services. There is a chance you won't be able to finish all of this on time – post what you have, and leave what you have to for next week. But your teammates will depend on you having posted most of your contribution at this point. (I will look at what was posted by deadline and consider it in the first graded report.)

2. Friday, Sept. 16: By midnight, post your contribution to the second set of sources aimed at the question, "Who cares?"

3. Monday, Sept. 19: Submit your report on the basic background of the program. Look at the assignment in Sakai for more details on this.

4. Friday, Sept. 23: By midnight, post your contribution to the review of the legislation and promises made by lawmakers at the time.

5. Monday, Sept. 26: Submit your report on the questions: What is the program supposed to do, how does it work, and what issues have already been identified?

Backgrounding from the outside in

Reporters often start an investigation by working from the outside in. This means they are trying to understand a system, a program, a problem or a person as well as they can before they know what the story might be. This usually involves secondary sources that will circle around the subject of a story until they are familiar enough to ask good questions.

We can mimic that approach by starting our investigation into a federal program by working from the outside in. That means:

- Finding other people and publications that have determined how the system is supposed to work
- Finding out who cares about it, both at a detailed and general level.
- Understanding any politics surrounding the program.
- Discovering what problems others have already found.

Step 1: Basic backgrounding

There are some standard sources for backgrounding in this way. Most will be used to lead you to other documents and people, not as an end in themselves. While you're doing this, it's useful to note the various bill numbers and names of the authorizing legislation. They will come in handy later.

- **General interest publications**, particularly in-depth and opinion pieces. You should look for what some people call pain points in the program – areas of natural disagreement, reform efforts, criticisms and difficulties.

  In this class, you're not just encouraged, but are required to do your news backgrounding through LexisNexis, Factiva and Proquest along with Google News and other sources. You'll particularly want to hone in on newspapers, transcripts of news programs and investigative reporting sites. If you need a refresher, consult the News Research Guide for this class.

  At this point, insider Washington publications are less useful – they usually describe very detailed issues and only from a political standpoint.

  Be sure to check more than one database of news stories – they have different coverage, each with serious holes. (e.g., Wall Street Journal not in Nexis; Los Angeles Times nowhere in our list fully; McClatchy not in Factiva.) Be aware of what you are NOT seeing as well as what you are seeing in your results. For example, if the New York Times has had many stories about a topic, but the Washington Post has had none, it probably means they have style guidelines that would change your search term. Look for big holes in your results.

- **Specialized publications of interest to the people involved in the program**. Look for newsletters, trade journals or prominent blogs for your program and consult browse the archives to see what kinds of issues they are interested in. The message may be very different than the one that these insiders convey to outsiders.

There may not be any directly related to your program, especially if it's for low-income or disadvantaged people without natural financial incentives for industry, NGO's or local governments. If you can't find any, describe your efforts to locate some on the wiki.

- **Congressional Research Service**: This arm of Congress does background reviews for members both at authorization and appropriations. These are not public documents, but you can find the more important ones in ProQuest Congressional through the library (look under Advanced Search) and OpenCRS.

- **GAO reports**. The Government Accountability Office reviews programs for specific issues at the request of a member of Congress. Its web site is easy to browse and is well indexed and browsing reports related to your agency is one of the best ways to see what's been done. The reports may be very detailed on one specific aspect of your program, but will usually have background on its history, structure, and documents used. It will also list related GAO products. If you find one that has really interesting things in it, consider filling out a FOIA for the supporting documents. I'm looking for an example of one for you, but it's pretty straightforward. (GAO isn't subject to FOIA, but it has a policy that mimics it. It will only provide information that GAO itself generated, not copies of documents or databases it obtained from agencies. That material is usually interview notes, sampling procedures and reviews of outside documents.)

- **Inspector general reports**. Every cabinet department and most independent agencies have a congressionally mandated Office of the Inspector General. You will find these through the top level of the website. Some of these sites are very difficult to navigate, but you can always start with the semiannual reports that list all of the office's activities. The IG is charged with following up on complaints of waste, fraud, and abuse; audits grant awards and contracts; and will report on matters of program integrity. For now, you can note (but don't have to document) all of the individual audits of recipients. But you should be on the lookout for audits that span an entire program or portion of a program.

- **Performance plans and budget justification documents**. This is one of the biggest changes in the Obama administration across agencies: easy access to the budget and performance documents that Congress used to get secretly. Consider these planning and public relations documents: They are often aspirational rather than strictly factual, but they will occasionally highlight problems they hope to overcome. You get these usually through the agency's financial management website, not in the program office itself. Be sure to look at your program in the legacy Bush Administration's expectmore.gov . It will give you the Republican perspective. These are easiest to find by agency.

- **A brief tour of the agency website** should yield a mission statement and the basic contours of the program. Don't try to look at it in depth yet – you'll just get lost.

- **Academic studies, including dissertations and theses.** Google Scholar is a good first stop to find academic studies. You are not really looking for broad policy prescriptions or statistical studies. Instead, try to find some good case studies or

qualitative work. These are more likely in masters' theses than in some other scholarly publications. (ProQuest has abstracts of dissertations and theses, and the library can help you get anything you find there.)

Step 2: Who cares?

Every program exists for a reason, and someone cares. You should identify the primary beneficiaries of the program, both direct and indirect. For instance, school lunches go to poor children, but the money also goes to farmers, state and local government, and private food vendors.

- **Lobbying reports**: Look at lobbying reports for companies and organizations around the time of your program's most recent authorization vote. You may need to narrow by the broad issue area codes. (See the LD-2 instructions' appendix for a list).

  Follow up on what you find: look at major client websites, such as a trade association or a local government, to see why they might care. Look for position papers there. If it's an association, look at the website of one of its members to see why they might care.

- Your Seat At the Table Documents: We'll discuss these in class.

- Library resources to find major trade associations and think tanks with an interest in your area.

- Find **one ultimate service provider** or contractor– government, corporate or NGO. This will help you see how it communicates to the industry and to the government agencies getting its services. For example, if you were looking at the school lunch program, you might look at the ARAMARK Education Services website. All you're trying to do at this point is make sure you understand who the players are, and what their interests might be. You don't need to study them in-depth. It will also help you in the future trace the spending route.

- **Former agency officials from both parties**. These are often in lobbying companies now, but are not registered. These can be particularly hard to find, so get started early. Consider calling one or two of them. This also works for former congressional staff, but it's even harder to track them down, as they stay in the background publicly during their staff years. If you find a former staffer who is now a lobbyist in your issue, you'll usually have found a pretty good source.

  You might find former officials by looking at the Plum Books, which are published just after each presidential election. You might find that the officials have already left by then and it will just show "career incumbent." The library has hardcover books from Congressional Quarterly that we don't have online called the Federal Staff Directory. Look at historical versions for names of officials.

- **Congressional Hearings**: These will be filled with experts and representative beneficiaries. Many will simply want more money with fewer rules, or to be included in the mix. Find these in ProQuest Congressional; LexisNexis under Congressional Quarterly Testimony and FDCH News Service Capitol Report; and in the Congressional Record itself. (You might expand this search to the whole Congressional Record – which often doesn't include hearing transcripts – to find floor statements by members about your program. You're looking for the Remarks that are made on the floor every day that are not part of debate or legislation.)

  Although you don't need it yet, you should keep an eye out during these reviews for warnings and promises made about the program.

Step 3. Authorization – purpose and structure

Now that you basically understand the program, you won't need to study the legislation and its accompanying reports as carefully. Still, it's important you know what was in the final bill and what members of Congress discussed among themselves or indirectly instructed agencies to do.

You don't need to worry about this right away, but keep an eye out for earmarks. You can recognize them when they refer to specific cities or areas, a specific technology or a particular definition of a term (e.g., "Rural") that might affect who is eligible. The documents you should make sure to see are:

- House, Senate and Conference Reports on the program
- The legislation itself.
- Return to LexisNexis and l
- Look again at some of the material you've collected earlier.

Another item you won't need right away but should be on the lookout for is any reporting requirements to Congress. For example, when it created the Brownfields program, Congress instructed the Environmental Protection Agency to do an Inspector General review of the program after three years and report back. There is also a list of required reports to Congress made by the Clerk of the House each session, but it doesn't appear to have been released this year. I've scanned in last year's and made it searchable on DocumentCloud.

Final product

At the end of this process you should be able to write a report that does the following:

- Provides the basic structure of the program and its major components.
- Identifies issues that have already been raised about its administration, or issues that were predicted by opponents, or reform efforts.
- How much money the program has been allocated.
- What the purpose of the program is in layman's terms. For example, feed poor children nutritious meals and expand the market for some farm products.