



Oversight, Out of Mind

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Congress has been sidelined for weeks by the ongoing coronavirus pandemic, forcing a body steeped in tradition to quickly adapt to legislating from afar in order to pass much-needed relief for devastated businesses and families. But even as lawmakers shift to a more remote lifestyle, conventional congressional oversight has largely been on hold without in-person hearings and witness testimony.

Nearly \$3 trillion in spending for virus relief, reports of mass shortages of protective equipment for medical workers and a spate of what appear to be politically motivated firings that would ordinarily prompt a succession of witness and document requests have been met with a much slower response in the nearly six weeks that Congress has been on an extended recess.

Most committees have paused holding hearings to comply with social distancing guidance, and the current rules don't allow proceedings to be conducted virtually since lawmakers must be physically present. Now, members are moving quickly to ramp up their oversight efforts and looking to resume publicly questioning officials – and issuing subpoenas if they don't comply.

Members are reimagining what that could look like going forward, especially if the virus rebounds again later in the year. The Senate plans to return to Washington on Monday and will try to resume much of its normal operations, including committee hearings. The House isn't expected to come back for at least another week, increasing the pressure to authorize virtual hearings and restore committee oversight work to full capacity. Without a rules change, committees don't have the authority to remotely hold hearings with witnesses or vote to issue subpoenas.

House Majority Leader Steny Hoyer of Maryland has been working with members in both parties as well as the Rules and Administration committees to examine how to hold remote committee hearings and facilitate other options, like proxy voting. After meeting with the bipartisan group on Tuesday, Hoyer said they're recommending committees hold "remote roundtables" to become more comfortable with video conferencing platforms should the House vote to allow virtual hearings.

"At this point in time, we are going to be working in the interim on trying to facilitate committees meeting in a real way, but virtually," Hoyer told reporters Tuesday.

House Rules Committee Chairman Jim McGovern of Massachusetts has led the charge on developing plans for both voting by proxy and for virtual committee proceedings that would allow witnesses to participate remotely and give committees with subpoena power the authority to issue subpoenas "for return at a hearing or deposition conducted remotely."

During a Wednesday press conference, House Speaker Nancy Pelosi of California confirmed that legislation authorizing proxy voting and remote hearings will go before lawmakers "whether Republicans join or not," though no timeline has been established. Pelosi indicated Thursday that the House could return to regular session in two weeks. But until Congress implements remote changes, some experts don't view lawmakers as able to complete effective oversight at the same levels pre-pandemic.

"They are able to conduct some oversight, but no, in terms of the bigger picture are they well situated to conduct oversight right now," Liz Hempowicz, director of public policy at the Project on Government Oversight, said during a video forum about Congress and the COVID-19 outbreak moderated by libertarian think tank CATO Institute.

"A single member asking a question of an agency or even a handful of members asking are not as likely to get a response. And we've seen that happen time and time again – not just under this administration but previous administrations," she added.

The pandemic has mostly dominated the work – and attention – of Capitol Hill as members scrambled to provide Americans and businesses with multiple rounds of relief. But some of the controversial actions from President Donald Trump's administration unrelated to the virus haven't undergone the same scrutiny that members typically shine a spotlight on during congressional hearings.

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In early April, Trump fired Michael Atkinson, the inspector general of the intelligence community who flagged a whistleblower complaint for Congress, sparking the House's impeachment inquiry into the president allegedly pressuring Ukraine's leader to conduct political investigations. Trump also suddenly replaced Pentagon inspector general Glenn Fine, who was chosen by other inspectors general to oversee the \$2 trillion rescue package as head of the Pandemic Response Accountability Committee.

Atkinson's abrupt ouster garnered bipartisan backlash, prompting a group of GOP and Democratic senators to draft a letter asking Trump to explain the dismissal. But the president blew through the April 13 deadline to respond to the letter and has yet to write back.

Some Democrats in the House have acknowledged that the pandemic has put a strain on their oversight efforts at a critical time.

Committee members, however, are still communicating by phone and video, conducting investigations and receiving briefings from government agencies related to the crisis. The House Oversight and Reform Committee has obtained documents from the Federal Emergency Management Agency and the Department of Health and Human Services about a shortage of personal protective equipment and other supplies needed for hospital workers. And over the past week, the committee received two briefings from FEMA and HHS officials.

And while formal hearings have all but ceased, Pelosi noted Wednesday that dozens of briefings have been held in the absence of hearings and "at least 20 meetings of each of the committees of jurisdiction."

As the U.S. surpasses 1 million coronavirus cases with a death toll of more than 60,000, Democrats are homing in on aggressive oversight over the federal government's response to the outbreak.

Pelosi earlier this month announced a new bipartisan panel to oversee the federal government's response to handling the COVID-19 outbreak, but steps to get it up and running stalled until the House was able to come back into session and vote on approval.

The bipartisan Select Committee on the Coronavirus Crisis passed the House last week on a strictly party-line vote. Republicans and Trump have decried the new panel as the latest "witch hunt" to hurt the president and argued that it's redundant with other congressional panels in place to oversee the implementation of the \$2 trillion stimulus.

On Wednesday, Pelosi named seven Democrats to the panel, which includes Majority Whip Jim Clyburn of South Carolina as chairman. Clyburn told reporters Thursday that his panel may "meet in some capacity" next week to tackle pressing issues like unemployment insurance, which was significantly beefed up at the federal level to address mass layoffs across the U.S.

House Minority Leader Kevin McCarthy said he'll decide next week whether he'll appoint five Republicans to the panel.

Some of the most critical programs created under the stimulus package are under deep scrutiny over what Americans and lawmakers see as a misuse of funds. An uproar occurred when a number of chain restaurants and businesses received loans from the Paycheck Protection Program, which was designed to provide immediate relief for small businesses and keep employees on the payroll to avert layoffs. The PPP got another \$350 billion infusion last week and most big businesses have returned the loan, including the NBA's Los Angeles Lakers.

But even as House committees look to potentially adapt to virtual proceedings, some are eager to return to Washington and resume in-person hearings. Committees planning to come back to work at the Capitol are expected to use larger rooms so they can properly spread out members and staff without risking their health and safety.

"The plan is for committees to meet on staggered terms in bigger rooms where members can social distance," GOP Rep. French Hill of Arkansas said in an interview with C-SPAN.

"Some of our largest committees have 60 members, so they're going to use bigger rooms for those and spread the members of Congress out so they can continue their committee oversight. And then they'll stagger members on the floor to vote," Hill added.

As the Senate prepares to come back into session next week, lawmakers are still grappling with what to tackle first. Senate Majority Leader Mitch McConnell of Kentucky wants to move forward on a confirmation hearing next week for another federal judge as Republicans aggressively move to reshape the federal judiciary. But Democrats, and even some Republicans, want to keep the focus on the ongoing pandemic and oversight of the four massive funding bills Congress has passed to combat the virus.

Senate Minority Leader Chuck Schumer of New York is pushing for oversight hearings that feature testimony from administration officials and members of the White House's coronavirus task force about virus testing and the implementation of the new laws. Schumer is looking to call Treasury Secretary Steven Mnuchin and Small Business Administration Administrator Jovita Carranza to testify about the allocation of Paycheck Protection Program loans.

"If the Senate is to return next week, we Democrats demand there be tough oversight of the administration's dreadful response to this public health crisis and their lackluster implementation of the COVID-related legislation passed by Congress," he said in a Wednesday statement.