

## Congress' stimulus oversight imperative

William Yeatman

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Lawmakers must not back down from President Trump's threat to ignore congressional oversight of the massive Coronavirus Aid, Relief, and Economic Security Act, or the CARES Act.

Such oversight is crucial for two reasons.

First, haste makes for waste. The sums involved are mind-boggling. Financial agencies, for example, have a mandate to quickly leverage almost \$500 billion into as much as \$4 trillion in loans to big businesses and small governments. Where, as here, the idea is to move as much money as fast as possible, there's an obvious danger that the public funds could be mismanaged in the rush to push dollars out the door.

The second concern is political. Absent Congress's watchful eye, there's nothing to stop the Trump administration from playing political games. Imagine, for example, if the Small Business Administration focused its new \$350 billion loan program on swing states in the upcoming presidential election.

Congressional Democrats, to their credit, fought to include novel and important safeguards to protect against these troubling possibilities. Specifically, leadership in the House of Representatives pressed for multiple layers of supervision for public funds unlocked by the CARES Act.

The first is to install a special accountability officer, known as an inspector general, at the Treasury Department. Here, the purpose is to provide quality control directly at the executive agency with primary responsibility for "stimulating" the economy.

The second layer of supervision is to establish a Pandemic Response Accountability Committee to conduct and coordinate oversight of public funds.

Again, these provisions were crucial for winning the CARE Act's passage in Congress. Nevertheless, only hours after signing the bill into law, Trump repudiated the oversight provisions based on flimsy constitutional claims.

In a signing statement, Trump objected to Congress's having input in the selection of a director for the new Pandemic Response Accountability Committee. Trump said his "administration will treat this provision as hortatory but not mandatory."

The president also announced his administration's intention to block the new inspector general from reporting directly to Congress whenever the Treasury Department refuses to comply with an investigation.

In terms of a justification for rejecting the law he had signed, Trump alluded vaguely to "executive power," but this is constitutional hand-waving. Both the Constitution and common-

sense permit Congress to oversee public funds allocated (by Congress) to agencies (created and funded by Congress).

Simply put, the president's signing statement amounts to a constitutional slap in the face. Congress bargained for these safeguards. President Trump condoned Congress's bargain when he signed the CARES Act. Then Trump effectively took back his approval, by announcing that his administration wouldn't comply with the act's oversight provisions.

Congress needs to stand up for itself — and the Constitution. If Trump follows through on his threat, then lawmakers must push back.

How?

Lawmakers could play hardball with the budget process. That is, Congress could condition the Treasury Department's operational funding on compliance with the CARES Act's oversight provisions. Yet such a counterpunch could prove counter-productive, given that such cuts might unduly undermine implementation of the stimulus.

There's a better way. If the Trump administration refuses to oversee the implementation of the CARES Act, then Congress itself should take on the role.

Perhaps expecting the president's recalcitrance, the CARES Act provides Congress with a backup plan. The act creates a Congressional Oversight Commission, comprised of lawmakers selected by party leaders in Congress. The Commission is empowered to obtain information directly from agencies, by subpoena if necessary, and to report to the full Congress.

The first big decision is imminent. The Congressional Oversight Commission must staff itself, which is a crucial juncture. If Congress has any self-respect, it will invest generously in the Commission's capacity. Party loyalty must not trump lawmakers' institutional pride.

There's too much at stake for Congress not to assert itself here. Stewardship of public money should not be thwarted by partisanship.

*William Yeatman is a research fellow at the Cato Institute.*