

When it Comes to Watch-dogging the \$500 billion bailout, it may be unsettling that it must be “Miller Time.”

By Bartlett Naylor

On May 5, the [Senate Banking Committee will hold a hearing on](#) the nomination of Brian Miller to serve as Special Inspector General for Pandemic Recovery. This is the newly created watchdog under the [CARES Act to ferret out corruption in Title IV](#). That’s the \$500 billion bailout for beleaguered big business.

If you ignore one fact about Mr. Miller, Public Citizen and perhaps most Americans could support Trump’s choice, with some enthusiasm. He’s been an inspector general before, serving as watchdog over the General Services Administration, where one of his probes led to the [ouster of the administrator](#). From 2005 to 2014 in this job, he exposed scandals under both the Bush and Obama administration. He also served as a prosecutor at the Department of Justice, handling a 9/11 bomber in one case, along with John Walker Lindh, the American Taliban soldier. By training, he is both an attorney and received a masters degree from [Westminster Theological Seminary](#). During [one interview](#), he said, “At the most basic level, we serve the Lord. We want to follow the law. We want to follow what he prescribes. . . . So we’re generally against lying, cheating and stealing. It’s not biblical it’s, you know, displeases the lord. And so we do want to please him and everything that we do. And so I think that is a good background—people have to be of good character to be an inspector general, to work in an Office of Inspector General inspectors general. “ This isn’t the resume or sentiments of a mobster.

But there’s also this fact: He’s currently a special assistant to Trump and senior associate counsel in the [Office of White House Counsel](#). During the impeachment, he served Trump’s defense. As SIGPR, Trump can fire him. Trump has shown he’s willing to fire assertive IGs, as he sent the Intelligence Community IG Michael Atkinson packing. As you may recall, Atkinson had relayed the whistleblower complaint about the Ukraine call to Congress which led to the impeachment process.

This final fact should be determining. In an ideal world, the Senate would reject his nomination and demand that Trump send someone truly independent of the White House. Ideally, in the next relief package, Congress will re-write the Inspector General Act of 1978 to provide that the President can only terminate an IG for cause (such as neglect of duty).

But this isn’t an ideal world. Republicans control the Senate, and they’ve thus far demonstrated little interest in oversight to the \$2.3 trillion CARES Act. Their draft of the bill included no SIGPR, no Congressional Oversight Commission, no [Pandemic Response Accountability Committee](#). These oversight measures were all inserted at the insistence of Democrats, with the threat of the Democrat-run House stalling any bill. Short of some unforeseen circumstance, the Senate could confirm Miller on party lines.

That leaves the confirmation hearing before the Senate Banking Committee as the one of the few chances where responsible senators can win commitments for independence and assertion from Miller. What magic questions can they ask and what answers must they secure? Here are a few possibilities:

Before you relay problems with allocations of funds under the CARES Act, will you allow the White House to review them? (That’s the gist of the president’s signing document when he affixed his signature to the CARES Act, and an obvious subversion of the intent of the bill).

If the president terminates you, how will you respond?

Should Congress approve a law that provides that an IG can only be terminated for cause (such as negligence)?

If an agency declines one of your information requests, will you report this immediately to Congress? Or will you first alert the White House? And if you first alert the White House and they refuse to allow you to report to Congress, will you report that refusal to Congress?

Without reassuring responses to these questions, the American public will lack confidence in this new office, and we may see corruption in the allocation of the \$500 billion corporate relief fund. Indeed, responsible members of Congress must approve strong oversight in the next crisis response measure. Public Citizen promotes a number of efforts to strengthen oversight, including making senior executives of aid firms [set aside some of their pay](#) to fund penalties if the firm is found to have misused the money, or engaged in any other misconduct. (Otherwise, taxpayers will fund these penalties.) And we have more ideas as well, listed [here](#). Many of these are included in the just-released [policy papers](#) authored by Sens. Elizabeth Warren (D—Mass), Richard Blumenthal (D-Conn.) and Reps. Pramila Jayapal (D-Wa), and John Sarbanes (D-Md.)

Whether or not Miller reassures America on May 5 that he'll safeguard taxpayer money—that is, do his job—better oversight is needed. Failure to make those commitments should add to the vote count on better oversight measures in Cares 2.0.