

**STATEMENT OF SENATE APPROPRIATIONS COMMITTEE CHAIRMAN PATRICK LEAHY (D-VT.)
ON CONGRESSIONALLY DIRECTED SPENDING
APRIL 26, 2021**

I rise today to address the need for Congress to restore one of its constitutional powers, the power of the purse.

My family arrived in Vermont in the 19th Century to work in the granite quarries in Barre. Later, my parents ran a printing business right across from the Vermont State House in Montpelier where I grew up.

I stayed in Vermont for college, only traveling 45 minutes up the road to Saint Michael's College where I received an excellent education. After earning my law degree at Georgetown, I returned home to Vermont to serve as the State's Attorney for Chittenden County.

As Vermont's senior Senator, serving the last 46 years, I speak with community leaders, dairy farmers, small business owners, and Vermonters across the state every day. My staff in Vermont and D.C. dedicate themselves to doing the same. Before the pandemic, Marcelle and I would stop to chat with people in the grocery store, at the gas station, or in our favorite bakery in my hometown of Middlesex. We miss being able to do this during these times of social distancing, and are looking forward to the day when we can return to those in-person chats and visits.

Needless to say, I am a lifelong Vermonter, and I know my state very well. I have a deep understanding of Vermont's communities, Vermonters, and their needs.

But for the past decade I have had to fight for them here in Washington with my hands tied behind my back. Every member of this chamber has their hands tied, because we ceded the power of the purse to unelected bureaucrats here in Washington when we instituted a ban on congressionally directed spending. As a result, instead of being able to direct even a fraction of the tax dollars we collect from our hard working constituents back into their communities, we turned these decisions over to the Executive branch.

These unelected officials are dedicated public servants to be sure, but they cannot possibly understand the needs of our communities to the extent that Senators do.

To them, a new community center is nothing more than a line item on a spreadsheet. To us, we know the potential such a community center can unlock, because we have spoken to the organizers who want to build it. We have heard their plans for new programs to provide children with after-school opportunities, offer job training programs to the recently unemployed, or provide a social space for the community to gather.

A grant for the historic preservation of a rural downtown is just one of thousands of applications that may be considered by employees at the National Park Service. But I know what that money

can do in the hands of dedicated community advocates, someone like my late, dear friend Paul Bruhn at the Preservation Trust of Vermont. Paul saw the potential of historic preservation of rural downtown spaces to support small businesses and preserve the fabric of Vermont, but there is no reason the National Park Service employees would know what a visionary he was, or how much just a little bit of federal support could be stretched to help revitalize a community.

Senators of this chamber were forced to push for these worthwhile efforts by advocating to unelected officials to support projects in towns these officials have never visited run by passionate community leaders they have never met.

The practice previously referred to as “earmarking” was not without abuse, and some particularly high profile examples of that abuse. But today, 65 percent of Congress was elected after the ban in 2011 and only know the practice for its ugly headlines – not the great benefit it can bring to our communities and our society.

We can still see the benefit from projects previously funded through congressionally directed spending in communities around the country and in successful national programs today. The research that led to the Human Genome Project unlocking our genetic code was originally funded through congressionally directed spending. The WIC program was as well. In Vermont, congressionally directed spending has helped build affordable housing, rehabilitate our downtowns, and promote community and economic development throughout the state.

This is not a new concept. Congress passed the first bill containing an earmark in 1790, 231 years ago. The Cape Henry lighthouse guided boats to safety for almost 100 years, and it stands today. It is the 4th oldest lighthouse in the United States, and has been listed on the U.S. National Register of Historic Places and designated as a National Historic Landmark. It is a destination for tourists still today.

Many of my colleagues on the other side of the aisle have pointed to congressionally directed spending as the source of our country’s increasing national debt, but this is not the case. This spending rarely exceeded 1 percent of all discretionary spending, and discretionary spending is only 1/3 of all federal spending. So, approximately 1 percent of 1/3 of all federal spending was congressionally directed. As noted by the *New York Times*, this is little more than a rounding error when considering the entire federal budget of the United States of America.

Congressionally directed spending was never a source of new money that was tacked onto appropriations bills. These projects had to fit under our budgetary caps – caps that were agreed to on a bipartisan basis. After more than a decade, it is clear that banning congressionally directed spending did not decrease federal spending or our national debt, and that is because it was not the cause of our debt. All the ban did was remove a very effective tool for members to advance important projects in their states.

The late and former Chairman of the Senate Appropriations Committee, Senator Robert C. Byrd once said that the subject of congressionally directed spending “broaches the most serious of Constitutional questions . . . [w]ho shall control expenditures from the public treasuries – the unaccountable bureaucrats in the Executive Branch or the representatives of the people?”

Article I Section 9 of the Constitution says: “No money shall be drawn from the Treasury, but in consequence of Appropriations made by law.” Congress holds the power of the purse. By banning the practice of congressionally directed spending, Congress ceded this power to the Executive branch and I believe it has hurt our ability to pass appropriations bills into law.

Vice Chairman Shelby and I work hard to incorporate the recommendations and priorities of all 100 Senators into our annual appropriations bills. We have worked hard to return the appropriations process to regular order, and we are making progress. Passing our annual appropriations bills is one of the most important jobs we do. The funding these bills provide impacts every corner of every state, from highway dollars to healthcare centers. But without the ability to influence where the funds are spent, members seem to have lost incentive to debate these bills. That is one of the reasons why we constantly face the threat of a government shutdown each fiscal year or that are forced to package these bills into an omnibus in a take-it-or-leave it form. This is no way to govern. Members must have a stake in these bills.

In 2007, we instituted major reforms for accountability and transparency to the process of congressionally directed spending. We had to certify that neither we nor any member of our immediate family would financially benefit from the requests we made. And we required each earmark to be clearly identified in the committee and conference reports. These reforms brought new transparency to the process, and I fully supported them. These rules remain in place today in Rule XLIV (44) of the Standing Rules of the Senate.

Today I am announcing that the Senate Appropriations Committee will again accept requests for congressionally directed spending items on a bipartisan basis, and we will do so in a manner that promotes transparency and accountability. In addition to adhering to Rule XLIV (44) of the Standing Rules of The Senate, we will put a 1 percent cap on all congressionally directed spending items and ban congressionally directed spending items to for-profit entities.

We will require senators to make their requests public on their websites, and we will make public any items that are actually funded in the Appropriations bills. The Senate Appropriations Committee will also ask GAO to audit a sample of enacted congressionally directed spending items in order to increase accountability for the projects that are funded and to restore the trust of the American people in this process.

Congress holds the power of the purse. We should use it responsibly and transparently to address the needs of our communities.

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