

of the individual songwriter or photographer or the independent film producer and give serious thought to steps they can take to ensure that creators can adequately protect their works online. You know, for these small and independent creators, nothing short of their livelihoods is at stake.

Finally, I want to recognize the important work our IP system does to protect consumers. The trademark system helps to guide consumers in finding which products are legitimate but also which are not.

Unfortunately, fraudsters are relentless in exploiting opportunities to fool consumers into buying counterfeit products, and that has been especially dangerous during the global pandemic. Just last month, authorities seized more than 65,000 counterfeit 3M N95 masks—not like the real one I am holding. But that is just the tip of the iceberg. As the chairman of the Senate Appropriations Committee, I am committed to ensuring that Customs and Border Patrol has the resources it needs to respond to the ever-evolving counterfeiting threat. A diverse, accessible, and effective intellectual property system that rewards creativity and innovation is essential to our Nation's continued prosperity, and I look forward to working with Ranking Member TILLIS and the other members of the IP Subcommittee, as well as with the Appropriations Committee, to both celebrate the achievements of American inventors and ensure that their contributions are being protected.

CONGRESSIONAL SPENDING

Madam President, 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 DC 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 afterschool 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 fourth 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 one-third of all Federal spending. So, approximately 1 percent of one-third 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 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 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.

I want to thank the distinguished majority leader for putting Samantha Power on the agenda this week. I think she is extraordinarily well qualified, and I look forward to voting for her.

Madam President, I see my distinguished colleague on the floor.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. SCHUMER. Madam President, I thank my good friend—our Senate pro tempore, our chairman of Appropriations, our longtime chairman and ranking member of the Judiciary, who has done a lot on patent work, et cetera—for his graciousness.

BUSINESS BEFORE THE SENATE

Madam President, now, the Senate has a lot to accomplish by the end of this week.

We will confirm several highly qualified nominees to the executive branch, starting today with the nominee for Deputy OMB Director, Jason Miller. Later this week, we will also confirm

Janet McCabe for Deputy EPA Administrator, Colin Kahl for Under Secretary of Defense for Policy, and Samantha Power for Administrator of USAID.

Our Senate committees will continue holding hearings and markups on at least a dozen other nominees. The Senate will also consider two important environmental infrastructure policies.

First, the Senate will take up the Drinking Water and Wastewater Infrastructure Act of 2021. This legislation passed through the Committee on Environment and Public Works with unanimous support. In fact, this water infrastructure bill is a core component of the Republican infrastructure proposal released last week. It also addresses many of the recommendations put forward by the Problem Solvers Caucus last Friday. So I hope that this is a signal to the entire Senate that we should work together on infrastructure where and when we can.

Senators CARPER, DUCKWORTH, and CARDIN have been outstanding leaders on this issue and have made sure Members from both sides of the aisle have had the opportunity to offer amendments, just as we did last week on the anti-Asian hate crimes bill. We are going to continue working with our Republican colleagues on the timing for a vote on the water infrastructure bill. On a topic this straightforward and bipartisan, I hope that our Republican colleagues will cooperate so that we may finish the bill ASAP. We have a lot to do.

I want to also thank Senator CAPITO, the ranking member of the committee, for working with Senators CARPER, DUCKWORTH, and COLLINS so well.

The Senate will also vote on a measure this week to restore critical regulations on the release of methane into our atmosphere. In 2016, the Obama administration instituted a rule that required energy companies to better monitor and reduce methane leaks. The rule not only drew cheers from the environmental community, it earned the support of industry as well.

Even though methane is far less talked about than carbon dioxide, it is far more potent. A tonne of methane warms the atmosphere 86 times more than a tonne of carbon dioxide. On the plus side, however, methane does not linger in our atmosphere as long as CO₂ does, and emissions can be reduced rather cheaply. So, when it comes to combating climate change, tackling methane delivers a huge bang for your buck.

That is just what the Senate intends to do this week by reimposing commonsense rules to reduce methane emissions—hopefully, on a bipartisan basis. We already have the support of at least one Republican Senator. We welcome more. The industry supported this. Again, Donald Trump, often with just the nastiness of “it was Obama’s rule, so I ought to repeal it” did. It hurts us big time. I want to be clear. The methane CRA is a big deal. This

measure will help us address the climate crisis in a major way. It is nowhere close to everything we want or need, but it is very important.

Last week, President Biden set an ambitious goal for the United States to cut its greenhouse gas emissions in half by the end of the decade. This week, the Senate will take up the first of many important steps we need to take to achieve that ambitious goal.

FIRST 100 DAYS

Madam President, now, on our first 100 days, Thursday, the 29th, will be the 100th day since President Biden took the oath of office on the East Front of the Capitol. President Biden will mark the occasion with his inaugural address to a joint session of Congress on Wednesday.

Historically, the first 100 days have been a yardstick by which Presidential administrations have been measured. For the first time in recent history, however, due to the lateness of the Georgia runoff elections, Thursday also marks the 100th day of the new Democratic Senate majority and, on a personal note, my 100th day as majority leader.

Without exaggeration, the first 100 days of the Biden administration and the Senate Democratic majority have been more productive than nearly any in recent memory. Despite a delay in passing the organizing resolution and the time constraints imposed by the Presidential impeachment trial, the Senate has confirmed the most diverse Cabinet in history, faster than either of the prior two administrations. Every single Cabinet Secretary received a bipartisan vote in favor of confirmation.

Last week, by a vote of 94 to 1—again, led by the Presiding Officer and Senator HIRONO—the Senate passed legislation to combat the recent surge in hate crimes, particularly against Americans of Asian descent. Then, of course, Congress passed the landmark legislation and the top priority of the Biden administration, the American Rescue Plan. It was the most sweeping Federal recovery effort in a generation, more than twice the size of the stimulus package after the financial crisis of 2008.

The Democrats promised big, bold relief. The Democrats have delivered big, bold relief. As a result, vaccinations are up; unemployment is down; and businesses, schools, restaurants, and bars are finally—finally—starting to reopen. It is no wonder that more than 70 percent of Americans approve of the way that the Biden-Harris administration has handled the pandemic in the first 100 days.

For much of the past year, the country has been plagued by two major crises: a public health crisis and an economic crisis. That is what the Biden-Harris administration and the Senate Democratic majority inherited when they assumed power back in January. Let’s look at how the country has progressed on both fronts.

First, when it comes to the pandemic, we have far outstripped even