

that had not been named as a defendant actually asked to be joined in the suit as a defendant because they saw the promotional value of all these coupons going to air travelers. So what ostensibly was a high stakes civil action degenerated into a promotional tool for the airlines, a negligible recovery for the class members, and a financial boon for the plaintiffs' attorneys.

It's not difficult to foresee the possibility of collusion between plaintiffs' and defendants' attorneys when the plaintiff attorneys can get huge fees and defendants can eliminate the risk of a large judgment. It obviously is an attractive option to a defendant to settle a case and pay large fees to a small number of people—specifically the attorneys—and avoid the risk of protracted litigation and lawyers seeking a jackpot recovery. Attorneys have a fiduciary duty to represent the best interests of their clients, but it's clear that in the cases of coupon settlement usually the primary interest served is their own.

So we now have a problem of plaintiff attorneys searching for causes for which they can bring suit, and then representing anonymous clients that they don't know and to which they have no accountability. In fact, many members of a class in a class action don't even know they are being represented. The windfall profits to attorneys has prompted a deluge of these type of suits, and recent studies indicate that in the last 36 months, some companies have faced a 300 to 1000% increase in the number of class actions filed against them. And you know the problem has gotten bad when the president of the Association of Trial Lawyers of America comes out against coupon settlements.

The problem of coupon settlements has been manifested primarily in state courts. Federal court judges generally, to their credit, have been more vigilant in policing such "sweetheart settlements." The problem of the proliferation of this type of litigation in state courts prompted Congress to seek a legislative remedy. The Judiciary recently marked up the Class Action Fairness Act, which moves many of these large, multi-state claims to the federal courts where they belong. Many of the class action trial lawyers have worked the system to keep their claims in state court, where they know there is not the expertise nor staff to handle the issues, and which provides them advantages over the defendant. The bill also requires the Judicial Conference of the United States to recommend best practices the courts can use to ensure settlements are fair to the class members, that attorneys fees are appropriate, and that the class members are the primary beneficiaries of the settlement.

I believe that these are important reforms, and I want to take the reforms

a step further by requiring attorneys in class action cases to make an up-front disclosure about the prospects for success and also give information about attorneys' fees and individual class member recovery in the event of a successful conclusion to the suit. If potential class members are likely to receive only a small fraction of what their attorney would receive, or perhaps a coupon which they may or may not end up using, then they need to be apprised of that fact from the start. These types of disclosures will at least put the potential class members on notice that perhaps the attorneys don't have some noble pursuit of justice in mind as much as they do getting a quick settlement that will net them huge profits, while the clients they ostensibly are trying to assist receive little or nothing.

Again, I am pleased to join as a cosponsor of S. 343, and look forward to introducing my own legislation to combat this abuse of our legal system.

#### EXPLANATION OF ABSENCE

Mrs. MURRAY. Mr. President, as my colleagues know, I had to return home to Washington state on Thursday of last week to attend the funeral of Mr. Bernie Whitebear. Unfortunately, I missed a series of roll call votes on H.R. 4461, the fiscal year 2001 agriculture appropriations bill, and the vote on the Conference Report of H.R. 4810, marriage tax penalty legislation. I wanted to take this opportunity to state for the Record how I would have voted had I been present.

On Roll Call Vote Number 221, the Harkin Amendment Number 3938, I would have voted "Yea."

On Roll Call Vote Number 222, the Wellstone Amendment Number 3919, I would have voted "Yea."

On Roll Call Vote Number 223, the Specter Amendment Number 3958, I would have voted "Yea."

On Roll Call Vote Number 224, on the question of whether the Durbin Amendment Number 3980 is germane to H.R. 4461, I would have voted "Yea."

On Roll Call Vote Number 225, on final passage of H.R. 4461, I would have voted "Yea."

On Roll Call Vote Number 226, on final passage of the Conference Report of H.R. 4810, I would have voted "Nay."

#### WHY FOREIGN AID?

Mr. LEAHY. Mr. President, I often hear from members of the public who feel that the United States is spending too much on "foreign aid." Why are we sending so much money abroad, they ask, when we have so many problems here at home?

This concerns me a great deal, because it has been shown over and over again that most Americans mistakenly believe that 15 percent of our national

budget goes to foreign aid. In fact it is about 1 percent. The other 99 percent goes for our national defense and to fund other domestic programs—to build roads, support farmers, protect the environment, build schools and hospitals, pay for law enforcement, and countless other things the governments does.

The United States has by far the largest economy in the world. We are unquestionably the wealthiest country. The amount we spend on foreign aid totals only a few dollars per American per year.

What does the rest of the world look like?

Imagine, for a moment, if the world's population were shrunk to a population of 100 people, with the current ratios staying the same. Of those 100 people, 57 would be Asians. There would be 21 Europeans. Fourteen would be from North and South America. Eight would be Africans.

Of those 100 people, 52 would be women, and 48 would be men. Seventy would be non-White, and 30 would be White. Seventy would be non-Christian, and 30 would be Christian.

Six people would possess 59 percent of the world's wealth, and all 6 would be Americans. Think about that.

Fifty people—one half of the population, would suffer from malnutrition. 80 out of 100 would live in substandard housing, often without safe water to drink.

Seventy would be illiterate. Only 1 would have a college education. And only 1 would own a computer.

Are we spending too much on foreign aid? These statistics put things in perspective. I would suggest that there are two reasons to conclude that not only are we not spending too much, we are not spending enough.

First, we are a wealthy country—far wealthier than any other. Yes we have problems. Serious problems. But they pale in comparison to the deprivation endured by over a billion of the world's people who live in extreme poverty, with incomes of less than \$1 per day. Like other industrialized countries, we have a moral responsibility to help.

Second, it is often said, but worth repeating, that our economy and our security are closely linked to the global economy and to the security of other countries. Although we call it foreign aid, it isn't just about helping others. These programs help us.

By raising incomes in poor countries we create new markets for American exports, the fastest growing sector of our economy.

Raising incomes abroad also reduces pressure on people to flee their own countries in search of a better life. One example that is close to home is Mexico, where half the population survives on an income of \$2 per day. Every day, thousands of people cross illegally from Mexico into the United States,