cases for trial; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. TORRICELLI, and Mr. LUGAR):

S. Res. 205. A resolution designating the week of each November in which the holiday of Thanksgiving is observed as ''National Family Week''; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LOTT, Mr. HELMS, Mr. INHOFE, Mr. ALLARD, Mr. KYL, Mr. THURMOND, and Mr. HUTCHINSON):

S. Con. Res. 61. A concurrent resolution expressing the sense of the Congress regarding a continued United States security presence in Panama and a review of the contract bidding process for the Balboa and Cristobal port facilities on each end of the Panama Canal; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. BURNS, and Mr. MCCONNELL):

S. 1747. A bill to amend the Federal Election Campaign Act 0f 1971 to exclude certain Internet communications from the definition of expenditure; to the Committee on Rules and Administration.

INTERNET FREEDOM PROTECTION ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the ''Internet Freedom Protection Act''.

SEC. 2. EXCLUSION OF CERTAIN INTERNET COMMUNICATIONS FROM DEFINITION OF EXPENDITURE.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking ''and'' at the end;

(2) in clause (x), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xi) any communication or dissemination of material through the Internet (including electronic mail, chat rooms, and message boards) by any individual, if such material—

''(I) is not a paid advertisement;

''(II) does not solicit funds for, or on behalf of, a candidate or political committee;

''(III) is disseminated for the purpose of communicating or disseminating the opinion of such individual (including an endorsement) regarding a political issue or candidate; and

''(IV) is not communicated or disseminated by any individual that receives payment or any other form of compensation for such communication or dissemination.''.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. KOHL, Mr. TORRICELLI, and Mr. SCHUMER):

S. 1748. A bill to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

MULTIDISTRICT JURISDICTION ACT OF 1999

Mr. HATCH. Mr. President, I am introducing today a bill entitled the ''Multidistrict Jurisdiction Act of 1999.'' This bill would restore a 30-year-old practice under which a single court, to which several actions with common issues of fact were transferred for pretrial proceedings, could retain the multidistrict actions for trial.

This bill is necessary to correct a statutory deficiency pointed out by the Supreme Court in *Lexecon* v. *Milbert Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1997). It is an important bill for judicial efficiency and for encouraging settlements of multidistrict cases. And I am pleased that the Judicial Conference and the Multidistrict Litigation Panel support this bill. Moreover, I am pleased that this is a bipartisan bill with Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, and SCHUMER as cosponsors.

Section 1407(a) of title 28, United States Code, authorizes the Multidistrict Litigation Panel to transfer civil actions with common questions of fact ''to any district for coordinated or consolidated pretrial proceedings.'' It also requires the Panel, on or before the conclusion of such pretrial proceedings, to remand any such actions to the district courts in which they were filed. However, for the 30 years prior to the Lexecon decision, federal courts followed the practice of allowing the single transferee court, upon the conclusion of pretrial proceedings, to transfer all of the actions to itself under the general venue provisions contained in 28 U.S.C. §1404. This had the practical advantage of allowing the single transferee court to retain for trial the multiple actions for which it had conducted pretrial proceedings. This greatly enhanced judicial efficiency and encouraged settlements.

In Lexecon, however, the Supreme Court held that the literal terms of 28 U.S.C. §1407 did not allow the single transferee court to retain the multidistrict actions after concluding pretrial proceedings. Instead, the Court held, the plain terms of §1407 required the Panel to remand the actions back to the multiple federal district courts in which the actions originated. The Court noted that to keep the practice of allowing the single transferee court to retain the actions after conducting the pretrial proceedings, Congress would have to change the statute.

The bill would amend 28 U.S.C. §1407 to restore the traditional practice of allowing the single transferee court to retain the multiple actions for trial after conducting pretrial proceedings. The bill also includes a provision under which the single transferee court would transfer the multiple actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

Mr. President, this bill is very similar to the first portion of a H.R. 2112 that passed the House of Representatives under the effective leadership of Congressman SENSENBRENNER. H.R. 2112 includes both the ''Lexecon fix'' and a provision to streamline catastrophe litigation. I believe that both provisions would make good law. However, the Lexecon matter constitutes an emergency for the Multidistrict Litigation Panel, which has a large number of these cases poised for remand if the retention practice is not restored. The catastrophe legislation would constitute an important improvement, but is not an emergency matter. Given this situation, I propose that we pass only the ''Lexecon fix'' during this session by unanimous consent and work to pass the catastrophe legislation during the second session.

Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, SCHUMER, and I look forward to passing the Multidistrict Jurisdiction Act of 1999 very quickly. The Judiciary awaits our prompt action.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Multidistrict Jurisdiction Act of 1999''.

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

(2) by adding at the end the following new subsection:

''(i)(1) Subject to paragraph (2), any action transferred under this section by the panel may be transferred, for trial purposes, by the

judge or judges of the transferee district to whom the action was assigned to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased to join the distinguished Chairman of the Senate Judiciary Committee, Senator GRASSLEY, Senator TORRICELLI, Senator KOHL, and Senator SCHUMER in introducing the Multi-District Jurisdiction Act of 1999. Our bipartisan legislation is needed by Federal judges across the country to restore their power to promote the fair and efficient administration of justice in multi-district litigation.

Current law authorizes the Judicial Panel on Multi-District Litigation to transfer related cases, pending in multiple Federal judicial districts, to a single district for coordinated or consolidated pretrial proceedings. This makes good sense because transfers by the Judicial Panel on Multi-District Litigation are based on centralizing those cases to serve the convenience of the parties and witnesses and to promote efficient judicial management.

For nearly 30 years, many transferee judges, following circuit and district court case law, retained these multi-district cases for trial because the transferee judge and the parties were already familiar with each other and the facts of the case through the pretrial proceedings. The Supreme Court in Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach, 523 U.S. 26 (1998), however, found that this well-established practice was not authorized by the general venue provisions in the United States Code. Following the Lexecon ruling, the Judicial Panel on Multi-District Litigation must now remand each transferred case to its original district at the conclusion of the pretrial proceedings, unless the case is already settled or otherwise terminated. This new process is costly, inefficient and time consuming.

The Multi-District Jurisdiction Act of 1999 seeks to restore the power of transferee judges to resolve multi-district cases as expeditiously and fairly as possible. Our bipartisan bill amends section 1407 of title 28 of the United States Code to allow a transferee judge to retain cases for trial or transfer those cases to another judicial district for trial in the interests of justice and for the convenience of parties and witnesses. The legislation provides transferee judges the flexibility they need to administer justice quickly and efficiently. Indeed, our legislation is supported by the Administrative Office of the U.S. Courts, the Judicial Conference of the United States and the Department of Justice.

In addition, we have included a section in our bill to ensure fairness during the determination of compensatory damages by adding the presumption that the case will be remanded to the transferor court for this phase of the trial. Specifically, this provision provides that to the extent a case is tried outside of the transferor forum, it would be solely for the purpose of a consolidated trial on liability, and if appropriate, punitive damages, and that the case must be remanded to the transferor court for the purposes of trial on compensatory damages, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages. This section is identical to a bipartisan amendment proposed by Representative BERMAN and accepted by the House Judiciary Committee during its consideration of similar legislation earlier this year.

Multi-district litigation generally involves some of the most complex fact-specific cases, which affect the lives of citizens across the nation. For example, multi-district litigation entails such national legal matters as asbestos, silicone gel breast implants, diet drugs like fen-phen, hemophiliac blood products, Norplant contraceptives and all major airplane crashes. In fact, as of February 1999, approximately 140 transferee judges were supervising about 160 groups of multi-district cases, with each group composed of hundreds, or even thousands, of cases in various stages of trial development.

But the efficient case management of these multi-district cases is a risk after the Lexecon ruling. Judge John F. Nangle, Chairman of the Judicial Panel on Multi-District Litigation, recently testified before Congress that: ''Since Lexecon, significant problems have arisen that have hindered the sensible conduct of multi-district litigation. Transferee judges throughout the United States have voiced their concern to me about the urgent need to enact this legislation.''

Mr. President, Congress should listen to the concerned voices of our Federal Judiciary and swiftly approve the Multi-District Jurisdiction Act of 1999 to improve judicial efficiency in our Federal courts.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues in introducing the Multidistrict Jurisdiction Act of 1999. This legislation would make a technical fix to section 1407 of Title 28, the multidistrict litigation statute, in response to the recent Supreme Court decision in Lexecon v. Milberg Weiss.

Section 1407(a) of Title 28 authorizes the Judicial Panel on Multi-District Litigation to transfer civil actions with common issues of fact to any district for coordinated or consolidated pretrial proceedings, but requires the Panel to remand any such action to the original district at or before the conclusion of such pretrial proceedings. Until the Lexecon decision, the federal courts followed the practice of allowing a transferee court to invoke the venue transfer provision and transfer a case to itself for trial purposes. However, the U.S. Supreme Court reversed this practice, holding that the literal terms of section 1407 do not give a district court conducting pretrial proceedings the authority to assign a transferred case to itself for trial.

This legislation would amend section 1407 of Title 28 to permit a judge with a transferred case to retain jurisdiction over multidistrict litigation cases for trial. This change was approved by the Judicial Conference and is supported by the Judicial Panel on Multi-District Litigation. The legislation also includes a provision under which a transferee court would transfer actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

The Multidistrict Jurisdiction Act of 1999 will promote the efficient administration of justice by allowing the federal courts to continue an effective practice they have been using for almost thirty years. It makes sense to allow the transferee judge who has conducted the pretrial proceedings and is familiar with the facts and parties of the transferred case to retain that case for trial. This significantly benefits the parties to a case, and reduces wasteful use of judicial and litigants' resources. I am glad to support this legislation, and I urge my colleagues to support it as well.

Mr. KOHL. Mr. President, I am pleased to join Senators HATCH, LEAHY, GRASSLEY, TORRICELLI, and SCHUMER in introducing the Multidistrict Jurisdiction Act of 1999. Our bipartisan measure will help give back to Federal judges the authority they need to handle multiple, overlapping cases as efficiently and effectively as possible.

This legislation essentially overturns the Supreme Court's decision in *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998). In that case, the Supreme Court rejected 30 years of practice during which trial courts overseeing related cases for consolidated pretrial proceedings had been permitted to retain jurisdiction of those cases for trial. That long-standing routine made plain common sense, because oversight by one court (instead of dozens of courts) is often the best use of resources, regardless of whether the parties are still in discovery or already at trial. Indeed, a consolidated trial may not only be more convenient for the parties and the witnesses, but it also promotes justice by keeping the case before a judge who is already familiar with the underlying facts.

Let me just point out that I do not mean to criticize the Supreme Court's decision as a matter of law. It may well be that the original Multidistrict Litigation statute was too narrowly drafted, and ultimately it is the responsibility of Congress to write—or, in this case, rewrite—the law to make sure it says what Congress intends.

While this measure is an important step forward, we must recognize that it is just that—a step. There is much more we can do to promote efficiency and fairness in litigation for both victims and defendants. In fact, the proposal to overturn Lexecon was first raised publicly at a hearing on class action reform in the House early last year, as just one of several proposals that would help ensure the fair administration of justice. Ironically, while this measure appears to be on the fast track, we continue to delay consideration of the other more pressing class action measures that were the focus of that hearing. And, while consolidation could be particularly valuable in the class action context, without class action reforms this bill actually won't affect most class actions. The reason is simple: while this bill only applies to cases filed in Federal court, most class actions—even ones that are nationwide in scope and shape nationwide policies—end up in State court.

Indeed, increased consolidation would help eliminate one of the most significant class action abuses—that is, the dangerous ''race to settlement'' among competing cases. Currently, overlapping class actions involving the same parties and the same claims put rival class lawyers in competition to get the first—and only—settlement available. The result is all too common: one lawyer lines his pockets with huge fees by taking a quickie settlement, while the class gets the short end of the stick. For example, in one instance involving overlapping Federal and State actions, the class lawyers who brought the State case negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in State court. Meanwhile, the Federal court was outraged, finding that the Federal claims could have been worth more than $1 billion, while accusing the State class lawyers of ''hostile representation'' that ''surpassed inadequacy and sank to the level of subversion'' and of having ''more in line with the interests of [defendants] than those of their clients.''

This danger was recently underscored by the Judicial Conference's Advisory Committee on Civil Rules Report on Mass Tort Litigation, which found that ''[T]he risk is considerable that speedy justice may be converted into speedy injustice . . . if two or more courts enter a race to be first to achieve a disposition binding on all courts.'' The report added that, ''This risk is aggravated by the 'reverse auction' scenario . . . , in which a defendant may play would-be class representatives off against each other, bidding down the terms of settlement to the lowest level that can win approval by the most complaisant available court.'' This race to settlement, or ''reverse auction,'' shortchanges legitimate victims, while allowing blameworthy defendants to get off easy.

Mr. President, we can prevent abuses like this—and encourage efficiency—simply by permitting more overlapping nationwide class actions to be brought into Federal court, the only place where the consolidation procedure is available. Once the cases are consolidated, lead counsel will be appointed, making it impossible to shop around low-priced settlements and to pit competing class lawyers against each other. However, as long as these class actions can be kept in various State courts, this bill won't succeed in bringing consolidation to the complex cases that need it most.

That's one of the principal reasons why Senator GRASSLEY and I introduced the Class Action Fairness Act of 1999 (S. 353) earlier this year. Our proposal, which among other provisions allows more nationwide class actions to be removed to Federal court, would—in conjunction with the bill we are introducing today—help eliminate the race to settlement in most class actions, save court resources and promote efficiency by placing related class actions before one court. A similar measure has already passed the House, and we look forward to moving this measure ahead in the Senate.

Mr. President, I am proud to join my colleagues today in offering our proposal to return to Federal courts the authority they need to consider multiple, overlapping cases in a fair, expeditious and just manner. This is a necessary step in the direction of real reform, and I hope it will build momentum for more comprehensive reform, like the Grassley/Kohl Class Action Fairness Act.

By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DIETARY SUPPLEMENT FAIRNESS IN LABELING AND ADVERTISING ACT

● Mr. CRAPO. Mr. President. I rise today to introduce the Dietary Supplement Fairness in Labeling and Advertising Act. The purpose of the legislation is to reaffirm Congress' intent in enacting the Dietary Supplement Health Education Act (DSHEA). In enacting DSHEA, Congress intended to insure that all Americans had access to factual information about vitamins and other dietary supplements so that they can make informed decisions about their health and well-being.

In recent years, the prevalence of scientific data demonstrating the benefits of proper nutrition, education, and appropriate use of dietary supplements to promote long-term health has increased tremendously. Additionally, preventative practices, including the safe consumption of dietary supplements, has been shown to significantly reduce the health-care expenditures in this country. That is why I continue to support research efforts that focus on preventative care. The role government funding can have in achieving scientific and medical gains in crucial. Past successes have frequently led to rapid technological advancements in medicine, biotechnology, and other important areas that shape our lives.

Over 100 million people use dietary supplements daily throughout the United States. This bill that I am introducing would allow access by the public to solid scientific research about the safe and proper use of dietary supplements. It prevents the Food and Drug Administration (FDA) from promulgating rules that change the intent of congressional regulations regarding structure and function claims and would amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper.

DSHEA required the FDA to promulgate reasonable guidelines to regulate the content of dietary supplements labels. The goal of this requirement is to insure that the labels give consumers information necessary for them to decide whether they want to take a particular supplement, without making claims regarding medical or disease benefits (which are reserved for FDA-approved drugs).

The Federal Trade Commission (FTC) currently enforces a standard for advertising that conflicts with the intent of DSHEA. The FTC does not always allow the same information in advertising of dietary supplements that is allowed in labeling of the same products. For instance, the FTC has made it difficult to advertise the benefits of calcium, vitamin C, and other common and heavily studied supplements.

The information that the FDA allows as part of the labeling of a dietary supplement should also be allowed in advertising that same supplement, yet the FTC is seeking to regulate the advertising of dietary supplements by denying to consumers some of the very information that DSHEA required the FDA to let them use. This forces manufacturers to work under two sets of contradictory regulations and undermines the intent of Congress.

Additionally, this bill would instruct the FDA to withdraw the notice of proposed rulemaking published in the Federal Register of April 29, 1998, which attempts to regulate the types of statements made concerning the effects of dietary supplements on the structure or function of the body. The FDA is asserting responsibilities beyond congressional intent. Specifically, it is

seeking to change the definition of ''disease'' by deeming improper any claim that refers to the ''prevention or treatment of abnormal functions.'' In these cases, the product would be subject to regulation as a drug, rather than a dietary supplement. Furthermore, it was never Congress' intent to disallow the use of citations from credible scientific publications in providing accurate information in labeling of dietary supplements. Numerous, common sense examples can be made to demonstrate the irresponsible nature of this rule. Aging and pregnancy would now be considered diseases under the policy.

In passing this legislation, my hope is to continue to open up communication and provide access to fair and adequate reviews of all claims. This bill prescribes a method by which the Commission must act prior to filing a complaint that initiates any administrative or judicial proceeding alleging noncompliance by an advertiser. Simply, the FTC would be required to provide a full and fair opportunity for advertisers to consult with the Commission's scientific experts. Decisions about the use of dietary supplements should not be made by bureaucrats. Instead, meetings with scientific experts would provide for an open exchange of ideas and information, and ensure that decisions are based on concrete, substantial scientific evidence. This is good government practice, and during a time where our society has become far too litigious, I support strengthening the review process, prior to filing any claims or complaints.

I urge my colleagues to cosponsor the Dietary Supplement Fairness in Labeling and Advertising Act. It would insure that all Americans have access to factual information about vitamins and other dietary supplements so they can make informed decisions about their health and well-being, while continuing to provide adequate safeguards to protect the public good.●

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

● Mr. DEWINE. Mr. President, I rise today to introduce the Child Abuse Prevention and Enforcement Act (CAPE). This legislation would provide a much-needed increase in funding for the investigation of child abuse crimes, as well as prevention programs designed to prevent child abuse. This bill is similar to the legislation introduced by my Ohio colleague in the House of Representatives, DEBORAH PRYCE, which recently passed overwhelmingly in the House.

As a former Greene County, Ohio, prosecutor, and—more importantly—as a parent, nothing disturbs me more than reports of child abuse and neglect. As a prosecutor, I saw—- first-hand—too many examples of child victimization and abuse. These days, it seems like you can't turn on the local news without hearing about another unforgivable act of violence against a child. Some of these stories have become infamous. Yet, sadly, most stories of child abuse are quickly forgotten. Such stories have become so common, it seems that our collective conscience is seldom even affected any more.

The sheer numbers of abusive acts committed against our children are astounding. In my State of Ohio, one incident of child abuse or neglect is reported to authorities every three minutes! What's worse is that these reports of abuse are on the rise. In a study of child abuse, the Federal government found that the number of abused and neglected children in this country nearly doubled between 1986 and 1993. As a result, child protective service agencies across the country are facing more than a million cases of abused and neglected children each year.

The Federal government can take meaningful steps—starting now—to help fight child abuse. The Child Abuse Prevention and Enforcement Act would be one meaningful step. Through the use of advanced technology, this legislation would enhance the ability of law enforcement systems to exchange timely and accurate criminal history information with agencies involved in child welfare, child abuse, and adoption services.

Every day, State and local child welfare services attempt to ensure that children are cared for properly and living with loving families. It is their job to prevent at-risk children from being left under the same roof with domestic or child abusers. Often, when child welfare agencies conduct child safety assessments, criminal histories and civil protection order information are not always readily available. These agencies may not be getting the full story. The result, in some cases, is that an abused or neglected child is removed from one harmful environment only to be placed in another. To improve access to critical law enforcement information, the bill I am introducing today would amend the Crime Identification and Technology Act (CITA), which I sponsored last year, to allow State and local governments to use CITA grant dollars to enable the criminal justice system to provide criminal history information to child protection and welfare agencies.

Our bill also would allow the use of funds from the $550 million Byrne grant program for activities aimed at cracking down on and preventing child abuse and neglect. Since 1986, Byrne grant dollars have been used successfully to provide financial assistance to State and local governments to coordinate government efforts to fight crime and drug abuse. With our bill, State and local agencies could use Byrne grant dollars to train child welfare investigators and child protection workers. The funding also could help build and develop child advocacy centers and hospitals for the abused. These are just a few of many possible uses.

Mr. President, our bill would go even one step further to direct resources to fight against child abuse. It would double the amount of funds available to States and localities to assist the victims of crimes against children. Currently, $10 million of the Federal Crime Victims $383 million fund are earmarked for child abuse and domestic assistance programs. This fund is financed not by taxpayer dollars, but through criminal fines, penalties and forfeitures. While the fund has grown since its beginning in 1984, the amount reserved for assistance to victims of abuse has remained stagnant. Our bill would earmark $20 million to help public and nonprofit agencies provide necessary services like rescue shelters, 24-hour abuse hotlines, and counseling to victims of child abuse.

Mr. President, this is one piece of legislation that can and should pass the Senate quickly. As I noted earlier, a similar bill was overwhelmingly approved by the House by a vote of 425–2. More than 50 child protection organizations have endorsed this legislation, including the National Child Abuse Coalition; the National Center for Missing and Exploited Children; Fight Crime: Invest in Kids; the Family Research Council and the Christian Coalition; the American Professional Society of the Abuse of Children; and Prevent Child Abuse America.

I urge my colleagues here in the Senate to demonstrate their commitment to America's abused and neglected children by supporting this legislation. Let's show some compassion and support our States and local communities in the fight against child abuse.●

● Mr. LEAHY. Mr. President, I am pleased to join the senior Senator from Ohio in introducing the Child Abuse Prevention and Enforcement Act. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DEWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited and Runaway Children Protection Act, which Senator HATCH and I worked together to steer to final passage just last month.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect investigations in 1997, the last year data is available. After investigation, 1,041 of these reports found substantiated cases of child maltreatment in Vermont.

Each child behind these statistics is an American tragedy.

But we can help. The Child Abuse Prevention and Enforcement Act provides these abused or neglected children with the Federal assistance that they deserve. And our legislation can make a real difference in the lives of our nation's children without any additional cost to taxpayers.

Our bipartisan legislation will make a difference by giving State and local officials the flexibility to use existing Department of Justice grant programs to prevent child abuse and neglect, investigate child abuse and neglect crimes and protect children who have suffered from abuse and neglect. The bill does this by making three changes to current law.

First, the Child Abuse Prevention and Enforcement Act amends the Crime Identification Technology Act of 1998 to make grant dollars available specifically to enhance the capability of criminal history information to agencies and workers for child welfare, child abuse and adoption purposes. Congress has authorized $250 million annually for grants under the Crime Identification Technology Act.

Second, the Child Abuse Prevention and Enforcement Act amends the Byrne Grant Program to permit funds to be used for enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect. Congress has traditionally funded the Byrne Grant Program at about $500 million a year.

Third, the Child Abuse Prevention and Enforcement Act doubles the available funds, from $10 million to $20 million, for grants to each State for child abuse treatment and prevention from the Crime Victims Fund. This fund is financed through the collection of criminal fines, penalties and other assessments against persons convicted of crimes against the United States. In the 1998 fiscal year, the Crime Victims Fund held $363 million. To ensure that other crime victim programs support by the Fund are not reduced, the expansion of the child abuse treatment and prevention earmark applies only when the Fund exceeds $363 million in a fiscal year. This year, the Crime Victims Fund is expected to collect more than $1 billion due in part to large anti-trust penalties.

Despite the tireless efforts of concerned Vermonters, including the many dedicated workers and volunteers at Prevent Child Abuse in Vermont and the Vermont Department of Social and Rehabilitative Services, Vermont is below the national average for its ability to provide services to abused or neglected children. In 1997, 411 children found to be abused or neglected received no services, about 40 percent of investigated cases. Nationally, about 25 percent of all abused or neglected children received no services. Our legislation provides more resources to help Vermonters and other Americans provide services to all abused or neglected children.

I thank the many advocates who support our bill and the companion legislation introduced by Representatives PRYCE and STEPHANIE TUBBS JONES, H.R. 764, which passed the House of Representatives by a vote of 425–2 on October 5, 1999. These advocates include the diverse National Child Abuse Coalition: ACTION for Child Protection; Alliance for Children and Families; American Academy of Pediatrics; American Bar Association; American Dental Association; American Professional Society on the Abuse of Children; American Prosecutors Research Institute; American Psychological Association; Association of Junior Leagues International; Boy Scouts of America; Child Welfare League of America; Childhelp USA; Children's Defense Fund; General Federation of Women's Club; National Alliance of Children's Trust and Prevention Funds; National Association of Child Advocates; National Association of Counsel for Children; National Association of Social Workers; National Children's Alliance; National Committee to Prevent Child Abuse; National Council of Jewish Women; National Court Appointed Special Advocates Association; National Education Association; National Exchange Club Foundation for Prevention of Child Abuse; National Network for Youth; National PTA; Parents Anonymous; and Parents United. In addition, the National Center for Missing and Exploited Children and Prevent Child Abuse America have endorsed our bill and its House counterpart.

Mr. President, I urge my colleagues to support the Child Abuse Prevention and Enforcement Act for the sake of our nation's children.●

By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

CITIZENS' RIGHT TO KNOW ACT OF 1999

Mr. HATCH. Mr. President, last week, the minority put the Senate in a take-it-or-leave, it position with respect to campaign finance reform. Using a parliamentary tactic that foreclosed other amendments from being offered, and then objecting to requests to take up other proposals, the proponents of S. 1593, the McCain-Feingold campaign finance reform bill, got what they wanted—a vote on an unamended, and therefore unimproved, version of their bill.

Mr. President, there are many of us who agree that we should make changes in our campaign finance laws; but, we disagree that we should compromise the First Amendment to do it.

Today, I am introducing the ''Citizens' Right to Know Act,'' a bill that represents my thinking on campaign finance reform.

Many pundits and many colleagues here in Congress perceive that the American people think that our government has become too fraught with special interest influence, bought with special interest campaign contributions. We have all heard voters voice their frustrations about government. Given some of the games we play up here that affect necessary legislation—such as the bankruptcy bill to name just one example—this attitude is not surprising or unwarranted.

Yet, it may be a mistake to interpret these frustrations as widespread cynicism about the influence of special interests rather than about the government's inability to enact tax relief, inertia on long-term Social Security and Medicare reforms, and the tug-of-war on budget and appropriations.

Nevertheless, it goes without saying that maintaining the integrity of our election system and citizens' confidence in it has to be among our highest priorities. The question is: what is the right reform?

There are a number of flaws in the McCain-Feingold bill. The principal one is that the McCain-Feingold attempts, unconstitutionally, I believe, to gag political parties. What Senators MCCAIN and FEINGOLD forgot is that political parties are organizational instruments for promoting a political philosophy and ideas. To ban the ability of parties to get their messages out to the people is an infringement on free speech.

The proposal I am introducing today has two main goals: (1) to open up our campaign finances to the light of day, thus allowing citizens to make their own judgments about how much influence is too much; and (2) to expand opportunities for individuals to participate financially in elections, thus decreasing the reliance on special interest money in campaigns.

The legislation I am introducing today, the ''Citizens' Right to Know Act,'' would require all candidates and political committees to disclose every contribution they receive and every expenditure they make over $200 within 14 days on a publicly accessible website. This means people will not have to wade through FEC bureaucracy to get this information, and the information will be continuously updated.

People should be able to compare the source of contributions with votes cast by the candidate. They can decide for themselves which donations are rewards for faithfulness to a principle of representation of constituents and which contributions might be a quid pro quo for special favors.

Further, my proposal would encourage—not require—non-party organizations to disclose expenditures in a constitutionally acceptable manner the funds that they devote to political activity. Organizations that chose to file voluntary reports with the FEC would make individual donors to their PACs eligible for a tax deduction of up to $100.

This provision is designed to encourage voluntary disclosure of expenditures of organizational soft money.

Those organizations that did so would be shedding light on campaign finance not because they have to, but because it furthers the cause of an informed democracy.

An article in the Investor's Business Daily quoted John Ferejohn of Stanford University as writing that ''nothing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics.''

The article goes on to suggest that ''But many reforms, far from helping, would cut the flow of political information to an already ill-informed public.'' Citing a study by Stephen Ansolabehere of MIT and Shanto Iyengar of UCLA, which demonstrates that political advertising ''enlightens voters,'' the IBD concludes that ''well-informed voters are the key to a well-functioning democracy.'' [Investor's Business Daily; 9/20/99]

Morton Kondracke editorializes in the July 30, 1999, Washington Times, ''Full disclosure would be valuable on its merits—letting voters know exactly who is paying for what in election campaigns. Right now, campaign money is going increasingly underground.''

This is precisely the issue my amendment addresses. My amendment, rather than prohibit the American people from having certain information produced by political parties, it would open up information about campaign finance. Knowledge is power. My proposal is predicted on giving the people more power.

Additionally, my legislation will raise the limits on individual participation in elections. Special interest PACs sprung up as a response to the limitations on individual participation in elections. The contribution limit for individuals is $1000 and it has not been adjusted since it was enacted in 1974.

Why are these limits problematic? The answer is that if a candidate can raise $5000 in one phone call to a PAC, why make 5 phone calls hoping to raise the same amount from individuals? My legislation proposes to make individuals at least as important as PACs.

My bill also raises the 25-year-old limits on donations to parties and PACs. It raises the current limits on what both individuals and PACs can give to political parties. As the League of Women Voters has correctly pointed out, the activities of political parties are already regulated, whereas the political activities of other organizations are not. If we are concerned about the influence of ''soft'' money—that is, money in campaigns that is not regulated and not disclosed—and cannot be regulated or subject to disclosure under our Constitution—then we ought to encourage—not punish—greater political participation through our party structures.

We need to put individuals back as equal players in the campaign finance arena. Special interests—both PACs and soft money—have become important in large part because current law limits are not only a quarter century old, but are also higher for special interests than individuals.

Some people have argued that raising the limits on donations to political candidates and parties exacerbates the problem. Their concern is that there is too much money in politics, not that there is too little.

I will respond by saying that, first, all individual donations would have to be disclosed. The philosophy of the ''Citizens' Right to Know Act'' is that people have a right to make their own determinations about whether a contribution is tainted or not.

Second, the higher contribution limits for hard money donations make individual citizens more important relative to special interests in campaign finance. If one goal of campaign finance reform is to reduce the influence of special interests, then raising the limits on individual contributions is a way to do it.

Third, most of the increases in the bill are merely an adjustment for 25 years of inflation. While the contribution limits have remained unchanged, the costs of running a campaign have increased. The higher levels reflect reality.

Most importantly, while money is an essential ingredient in a campaign, and is necessary to get one's message to the voters, the real influence in campaigns is the public. Even if wealthy John Smith gives thousands of dollars to a party or candidate, the fact is that he only gets one vote on election day. Candidates and parties have to persuade people to their way of thinking. All the money in the world cannot compensate for a dearth of principles or unpopular ideas.

The McCain-Feingold approach represents a constitutionally specious barrier on free speech. It would, by law, prohibit political parties from using soft money to communicate with voters. Prohibitions are restrictions on freedom.

My bill, in contrast, does not prohibit anything. It does not restrict the flow of information to citizens. On the contrary, my proposal recognizes that citizens are the ultimate arbiters in elections. They should have access to as much information as possible about the candidates and the positions they represent.

Thus far, the information that is available to voters about campaign finance has been difficult to obtain and untimely. My bill, by empowering voters with this information, will put the role of special interests where it rightfully belongs—in the eye of the beholder, not the federal government.

ADDITIONAL COSPONSORS

S. 58

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 58, a bill to amend the Communications Act of 1934 to improve protections against telephone service ''slamming'' and provide protections against telephone billing ''cramming'', to provide the Federal Trade Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes.

S. 484

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, supra.

S. 655

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1139

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.