

and they employ about 54 percent of the state's workforce. This does not include the estimated 135,000 self-employed people in my state. I find myself wondering what small business owners think of all of the news reports about these big, sophisticated corporations and their crooked accounting?

Small business owners work hard to keep clean books. They do not have a team of creative accountants that turn losses into gains. The small business does not create sham, off-book partnerships to hide losses. I have never heard of a small business being forced to restate its earnings. Small business grow by playing by the rules. Many small business owners dream of taking the honest approach to turning their ideas and dreams into big businesses. How disheartening must it be for them to see that in the world of big corporate business the way to get ahead is by cheating.

The bill before us today will help restore faith in the free market. It creates a strong oversight board that will set auditing standards for public companies backed up with the power to investigate abuses. It gets rid of the inherent conflict of interest faced by accounting firms that provide management consulting services to their auditing clients. Here on the floor we have added tough criminal penalties to this bill and given greater protections to whistle blowers. The whistle blower protections are an especially needed reform. We want the honest people in business to know that there is still a place for them.

We must take this opportunity to restore confidence in the free market. I urge my colleagues to vote in favor of this legislation and I want to commend the chairman of the Committee, Mr. SARBANES, for bringing this legislation to the floor.

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, due to a longstanding commitment I was necessarily absent for the vote on cloture on the Public Company Accounting Reform and Investor Protection Act of 2002 (S. 2673). Although my vote would not have affected the outcome, had I been present, I would have voted for cloture on the bill. •

#### ANDEAN TRADE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 3009.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. BAUCUS) laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House insist upon its amendment to the amendment of the Senate to the bill (H.R. 3009) entitled "An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the following Members be the managers of the conference on the part of the House.

From the Committee on Ways and Means, for consideration of the House amendment and the Senate amendment, and modifications committed to conference: Mr. Thomas, Mr. Crane, and Mr. Rangel.

From the Committee on Education and the Workforce, for consideration of section 603 of the Senate amendment, and modifications committed to conference: Mr. Boehner, Mr. Sam Johnson of Texas, and Mr. George Miller of California.

From the Committee on Energy and Commerce, for consideration of section 603 of the Senate amendment, and modifications committed to conference: Mr. Tauzin, Mr. Biliakakis, and Mr. Dingell.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate with the ratio being 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TO AMEND FOREIGN ASSISTANCE ACT AND THE GLOBAL AIDS AND TUBERCULOSIS RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2069 and the Senate proceed now to that matter.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2069) to amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan Africa and other developing countries.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

#### AMENDMENT NO. 4297

(Purpose: To amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria; to amend the Public Health Service Act with respect to the authority of the Department of Health and Human Services to act internationally with respect to HIV/AIDS, tuberculosis, and malaria; and for other purposes)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, Mr. FRIST, Mr. KENNEDY, Mr. BIDEN, and Mr. HELMS, proposes an amendment numbered 4297.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments".)

#### AMENDMENT NO. 4298

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, Mr. FRIST, Mr. KENNEDY, Mr. BIDEN, and Mr. HELMS, proposes an amendment numbered 4298.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the title)

Amend the title to read as follows: "An Act to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria; to amend the Public Health Service Act with respect to the authority of the Department of Health and Human Services to act internationally with respect to HIV/AIDS, tuberculosis, and malaria; and for other purposes."

Mr. REID. I ask unanimous consent both amendments at the desk be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table, all with no intervening action or debate; and any statements be placed in the RECORD at the appropriate place as if read.

Mr. SANTORUM. Reserving the right to object—and I will not object—this is a very important piece of legislation for the continent of Africa and has to do with AIDS relief, tuberculosis, and other infectious diseases. There is a provision in this legislation that Senator BIDEN and I have offered on debt relief for Third World countries. This is a vitally important piece of legislation that dovetails very well with the President's initiative in trying to stem the scourge of AIDS in Africa and provide some hope for some of these heavily debt ridden countries.

I am very pleased we were able to do this in wrap-up today. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4297) was agreed to.

The amendment (No. 4298) was agreed to.

The bill (H.R. 2069), as amended, was read the third time and passed.

Mr. DASCHLE. Mr. President, I am very pleased that we have just passed a bill that will give the President and his team the tools they will need to back up their words about fighting the scourge of HIV and AIDS with action.

The omnibus HIV, AIDS, TB, and malaria authorization bill vastly increases our focus on treatment, giving hope to the millions of people already infected with this virus. It intensifies our ongoing prevention efforts. And it makes a new commitment to training local health care workers so that underdeveloped nations can create modern health infrastructures.

The bill also authorizes nearly \$5 billion over 2 years so that this commitment is matched with the resources to get it done. But unless we work in a bipartisan fashion to see that money appropriated, this bill offers little more

than false hope. I want to commend Senators KENNEDY, KERRY, BIDEN, HELMS, FRIST, and GREGG for their leadership on this vital effort. And I want to ask the House of Representatives to match the commitment the Senate has shown.

More than 20 million people have already died from HIV/AIDS. Last year, 5 million people contracted the virus, more than half of these new infections in young people. The UN estimates that 65 million more people could die by 2020. These numbers are so horrible as to seem unreal. But they are real, and we must act. Nothing we can do here is the solution—but today the Senate is taking a step, and a meaningful one.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I thank our majority leader for his leadership in the development of this legislation, which is true bipartisan legislation. It is the United States Leadership on HIV/AIDS, Tuberculosis, and Malaria Act to deal with the AIDS pandemic that is most evident in the continent of Africa, and also expanding it through India, central Asia, China, and so many parts of the Third World.

I am grateful to him for his persistence in making sure that this legislation would pass just a few moments ago. I thank him and I thank the cooperation of our Republican leader as well, making sure the Senate would go on record, as it did a few moments ago, in favor of this extremely important legislation.

At the outset I want to acknowledge the very strong leadership of my friends and colleagues in this body who have been very much involved in shaping and helping develop this legislation: Senator KERRY, my colleague from Massachusetts, who had introduced very similar legislation with members of the Foreign Relations Committee, Senators BIDEN, BOXER, DASCHLE, DEWINE, DODD, DURBIN, FEINGOLD, FRIST, HAGEL, HELMS, LEAHY, LUGAR, SANTORUM, SARBANES, SMITH of Oregon, and WELLSTONE. This is truly not only bipartisan, but it is also a real reflection from all different philosophies, of the recognition that the United States has an important opportunity—in many respects, a responsibility—to take action.

I am grateful to all those Members for their support of our legislation. I also thank a number of our colleagues, Senators EDWARDS, FEINSTEIN, FRIST, HARKIN, JEFFORDS, MIKULSKI, MURRAY, and REED, who are strong supporters of this program.

We, in America, know the pain and the loss that this disease cruelly inflicts. Millions of our fellow citizens—men, women, and children—are infected with HIV/AIDS, and far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and produc-

tive lives through the miracle of prescription drugs. But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe. We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies. We must carry the fight against AIDS to every corner of the globe, and the legislation passed this afternoon is a step in that direction.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2002 provides new legal authority and funding to our nation's strongest health care agencies to join the global battle against AIDS. It promotes models of community-based care that reach the real people affected by this disease; better access to the research and therapies needed to prevent transmission of this deadly disease; and most importantly, funds research and treatment models to prevent transmission of HIV/AIDS from mothers to their infants including the family support service necessary to stem the orphan crisis.

Governments can make the difference in battling this epidemic. When governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. With this legislation, the United States will do its part to support countries to turn the corner on AIDS on their own.

I am pleased that the administration increased funding for the fight against the global AIDS epidemic, and together with this legislation, we can truly lead the international community in the fight against the greatest public health threat of our times.

I have a summary of the legislation that I ask unanimous consent to have printed in the RECORD. I think it will help people better understand the aspects of the legislation that can really not only make an immediate lifesaving difference to millions of our fellow human beings in Africa but to those other Third World countries as well.

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

**SUMMARY OF THE UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2002**

The bill strikes all after the enacting clause of the House-passed HIV/AIDS bill (HR. 2069) and inserts S. 2525 (Kerry) and S. 2649 (Kennedy). Both bills have broad bipartisan support.

S. 2525 (Kerry) was co-sponsored by Senators Biden, Boxer, Daschle, DeWine, Dodd, Durbin, Feingold, Frist, Hagel, Helms, Leahy, Lugar, Santorum, Sarbanes, Smith (OR), and Wellstone. S. 2649 (Kennedy) was co-sponsored by Senators Bingaman, Clinton, Corzine, Daschle, DeWine, Dodd, Durbin, Edwards, Feinstein, Frist, Harkin, Jeffords, Mikulski, Murray, Reed, Santorum, and Sarbanes.

The S. 2525 portion of the bill would:

Mandate a comprehensive, integrated 5-year U.S. government strategy for promoting goals and objectives of the June 2001 UN General Assembly Declaration of Commitment on HIV/AIDS;

Require the U.S. Agency for International Development (USAID) to develop an "empowerment of women" plan, including provision of currently available technologies to prevent the spread of HIV/AIDS;

Create a new HIV/AIDS Response Coordinator in the Department of State;

Create a new Health Care Provider Service and Training Program enabling American health care professionals to provide basic health care services and on-the-ground training to African and other countries severely affected by HIV/AIDS, tuberculosis and malaria; and

Require a comprehensive report on U.S. efforts to increase access to treatment for people living with HIV/AIDS.

The bill would authorize more than \$4.5 billion over two years for U.S. efforts to fight global HIV/AIDS, tuberculosis and malaria. Of this, \$2.152 billion would be authorized in FY 2003, including \$1 billion for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, and \$2.521 billion would be authorized in FY 2004, including \$1.2 billion for the global Fund.

The bill would require a new 5-year strategy to meet or exceed the maternal-to-child transmission (MTCT) goals in the UN Declaration of Commitment on HIV/AIDS; create a new Assistance to Children Program to provide care and treatment to parents and/or care givers infected with HIV; and mandate a comprehensive report on U.S. government MTCT and MTCT plus programs.

The bill would authorize expansion of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative to achieve debt reduction for health programs; expand the Department of Defense's HIV/AIDS Prevention Education Program to include countries beyond Africa and international peacekeepers; and set forth an HIV/AIDS Code of Conduct for U.S. Businesses Abroad.

Funding levels for this portion of the bill are summarized in the attached chart.

The S. 2649 portion of the bill would: authorize \$400 million (in 2003) for the Centers for Disease Control and Prevention (CDC) and Health Resources Services Administration (HRSA) to work in collaboration with USAID to carry out care, treatment, and capacity building for HIV/AIDS, malaria, and tuberculosis in countries with, or at-risk for severe HIV/AIDS epidemics.

The bill would authorize \$50 million (in both 2003 and 2004) for grants for clinical education and training in the delivery of HIV/AIDS care and treatment services; authorize \$45 million (in 2003) and \$30 million (in 2004), out of amounts authorized under Prevention and Treatment, for public-private partnerships to prevent mother-to-child transmission; provide for inter-agency coordination of global HIV/AIDS initiatives under the Secretary of Health and Human Services (HHS); direct the HHS Secretary to write a strategic plan to carry out and support microbicide research, develop research teams through contacts with private and public entities, and report to Congress on this initiative; and authorize \$10 million (in 2003) for the Department of Labor for work-based prevention and education programs that protect against discrimination, promote on-site wellness, and strengthen collaboration among governmental, business, and labor leaders.

Mr. KENNEDY. Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, we intend to be back on this bill at 1 o'clock on Monday. I ask unanimous consent the Senator from Michigan, Mr. LEVIN, be recognized at 1 o'clock when we resume consideration of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate reconvenes on Monday and resumes consideration of this bill at 1 o'clock, there be 5 hours of time left postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ANNIVERSARY OF THE REORGANIZATION OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, this week marks the first anniversary of the reorganization of the Senate Judiciary Committee following the change in majority last year. This past year has been a busy one for our committee.

Just this week the Senate adopted as an amendment to the accounting reform and investor protection bill the text of S. 2010, the Corporate and Criminal Fraud Accountability Act. That is a bill we reported in May after committee action in February and April. The Senate also acted on important amendments offered by Senator BIDEN, Senator HATCH, and Senator EDWARDS to that bill and many members of this committee have made important contributions to improve these measures over the last several months.

In the days and months following the terrorist attacks on September 11, members of this committee led the Senate in its responses leading to enactment of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Terrorist Bombings Convention Implementation Act, and the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act. The committee also reported a number of resolutions to honor the victims of those attacks with the Public Safety Medal of Valor and the Law Enforcement Tribute Act, S. 2431. We

continue to work on important matters for victims of terrorism.

We have reported a number of other law enforcement related measures including the Drug Abuse Education, Prevention and Treatment Act, S. 304; the Federal Judiciary Protection Act, S. 1099; the National Child Protection Improvement Act, S. 1868; the Safe Explosives Act, S. 1956; the National Cyber Security Defense Team Authorization Act, S. 1989; a bill clarifying the definition of "vehicle," S. 2621; and an annual authorization for the Department of Justice, S. 1319 and its House counterpart H.R. 2215. The committee reported the Local Law Enforcement Enhancement Act, S. 625, which is an important hate crimes bill; and the COPS Reauthorization Act, S. 924, which extends the highly successful COPS Program. We have also reported legislation on identity theft, such as the Social Security Number Misuse Prevention Act, S. 848, and the Restore Your Identity Act, S. 1742.

In addition, we have reported a number of measures to improve competitive business conditions and protect consumers, such as the Drug Competition Act, S. 754; the Motor Vehicle Franchise Contract Arbitration Fairness Act, S. 1140; and the Product Packaging Protection Act, S. 1233. We have acted on important intellectual property legislation, such as the Madrid Protocol Implementation Act, S. 407; the TEACH Act, S. 487; and the Patent and Trademark Office Authorization Act, S. 1754, as well as related House measures H.R. 1866 and H.R. 1886.

We have reported and worked on a number of immigration matters, including the Anti-Atrocity Alien Deportation Act, S. 864; the Child Status Protection Act, S. 672, and its House counterpart, H.R. 1209; a bill for children of Vietnamese refugees, H.R. 1840; bills to provide work authorization for spouses, H.R. 2277 and H.R. 2278; and others.

Among our most important work has been our aggressive oversight efforts involving the Department of Justice, the FBI, the INS, and the Civil Rights Division. Our oversight efforts have already led to the committee's reporting a bipartisan FBI Reform Act, S. 1974, which is awaiting Senate action.

This week the committee finally began its consideration of a most important legislative initiative we began years ago, the Innocence Protection Act, S. 486.

All in all, in our first year we reported 80 legislative matters and over 250 Presidential nominations to the Senate. We have held more than 100 hearings during our first tumultuous year.

We have had a record year in considering this President's nominees. Partisans have perpetuated an untrue and unfortunate myth that the Democratic-led Senate and Judiciary Committee have blocked the President's nominees. Nothing could be further from the truth.

The Democratic-led Judiciary Committee has had a recordbreaking year fairly and promptly considering President Bush's nominees. In addition to the dozens of high-ranking Justice Department officials for whom we held hearings, and our work in connection with more than 180 executive branch nominees the committee reported, we have had a record year with respect to judicial nominees.

In this, our first year, we held hearings for 78 of the President's nominees. That is more hearings for this President's district and circuit court nominees than ever held in any of the 6½ years that preceded the change in majority last summer.

In particular, we held more hearings for more of President Bush's circuit court nominees, 16, than in any of the 6½ years in which the Republicans controlled the committee before the change in majority last summer. For that matter, we held twice as many hearings for court of appeals nominees than were held in the first year of the Reagan administration when the Senate was controlled by Republicans and five times more than in the first year of the Clinton administration when the Senate was controlled by Democrats. Those are the facts.

Under Democratic leadership, this Committee in its first year also voted on more judicial nominees, 74, than in any of the 6½ years of Republican control that preceded the change in majority. We voted on almost twice as many circuit court nominees, 15, than the Republican majority averaged in the years they were in control. In fact, this last year we voted on more nominees than were voted on in 1999 and 2000 combined and on more circuit court nominees than the Republicans allowed during 1996 and 1997 combined. And the committee voted on an additional court of appeals nominee yesterday.

We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated by Republicans. By many measures the Senate Judiciary Committee has achieved almost twice as much this last year as Republicans averaged during their years in control.

The Senate has confirmed more circuit and district court judges, 57, than were confirmed during 2000, 1999, 1997, 1996, and 1995, 5 of the prior 6 years of Republican control of the Senate. Republicans averaged 38 confirmations a year. By contrast the Democratic Senate achieved 57 judicial confirmations in our first 10 months, before the Administration's obstructionism stalled Senate floor actions on nominations for more than 2 months. There are another 17 judicial nominees on the Senate Executive Calendar. The delay in the votes on these nominees has been due to the delay in the administration's fulfilling its responsibility to work with the Senate in the naming of members of bipartisan boards and commissions.