

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has had a long and distinguished career in the Senate as Montana's longest serving Republican Senator.

Since 1988, Senator BURNS has represented his constituents with honor in the Senate. He has made sure that Montana's unique, rural economy is sustained through his support of balanced trade, high-tech investments, and small business.

Since serving as chairman of the Communications Subcommittee in 1997, he has continually fought for the rollout of broadband in rural areas and pushed for new Internet and mobile phone technologies to help Montanans participate in our global economy.

Senator BURNS' love for the outdoors has made him a steward of our country's natural resources. As chairman of the Senate's Interior Appropriations Subcommittee, I have watched him work tirelessly to protect and provide for our National parks and forests. Our natural resources are being protected thanks to the work of Senator BURNS. I know he is looking forward to returning to Montana and the great outdoors.

He has been an ardent supporter of making Government more fiscally responsible and lowering our taxes, and he was often an ally on issues.

His leadership and strong conviction to do what is right will be sorely missed.

PAUL SARBANES

Mr. President, Senator SARBANES, the son of Greek immigrants, embodies the very heart of the American dream.

Senator SARBANES' parents, who never received a college education, instilled in him the belief that no matter where you go and what you see, you should always stand by your principles and never forget your roots.

He became a Rhodes Scholar.

Senator SARBANES served the people of Baltimore with distinction and honor in the Maryland Legislature before coming to Washington to represent them on a national level.

After a period of service in the House of Representatives, he was elected to the Senate in 1976. Since then, he has held numerous positions within the Senate.

Most recently, he served as the ranking member of the Senate Banking, Housing and Urban Affairs Committee and as a senior member of the Foreign Relations, Budget, and Joint Economic Committees.

Today we bid him farewell after five terms in the U.S. Senate, which makes him the longest tenured Senator in Maryland's storied history.

PAUL is a good friend, and I will miss him.

BILL FRIST

Mr. President, I would like to conclude with Dr. BILL FRIST, who has dedicated his life to helping people.

Though many of us have come to know Dr. FRIST best in his current role as our leader, his contributions to America exceed elected office.

Dr. FRIST first came to Washington in 1972 as an intern for Tennessee Congressman Joe Evins. Congressman Evins told the young intern that should he ever want to serve in Congress, he should first excel in a profession other than politics and then bring that experience back to Washington.

Dr. FRIST did just that.

During a stellar 20-year career in medicine, Dr. FRIST performed over 150 heart and lung transplant procedures, including the first lung transplant and the first pediatric heart transplant in Tennessee and the first successful combined heart-lung transplant in the Southeast.

He always hoped to one day serve America at a broad policy level, where he could advance medicine and improve the quality of life of the Nation.

Dr. FRIST returned to Washington in 1994, becoming the first practicing physician elected to the Senate since 1928. As a U.S. Senator, BILL FRIST has been one of the leading voices on health issues in America today.

He moved quickly up the leadership ranks, becoming deputy whip in 1999, chairman of the NRSC in 2000, and finally majority leader in 2002.

In the Senate, Dr. FRIST has worked tirelessly to strengthen Medicare, provide seniors with better access to prescription drugs, reduce health care disparities among races, and make health care more affordable and accessible.

He has also been one of America's strongest advocates for increasing funding for global HIV/AIDS. He sponsored landmark legislation to provide \$15 billion to combat global HIV/AIDS in African and Caribbean nations hardest hit by the disease. This law will literally save millions of lives and stands as one of the greatest public health accomplishments in modern history.

Many of us also remember DR. FRIST utilizing his medical skills in 1998, when a gunman shot and killed two U.S. Capitol Police officers in the capitol. The gunman was also shot and seriously wounded during the incident. Dr. FRIST came to the aid of Officer Jacob Chestnut, who later died of his wounds, as well as the gunman, who survived because of Dr. FRIST's actions.

After the event, Dr. FRIST told Capitol reporters:

At the time, I did not know he was the alleged gunman, and in truth, as a physician, you try to focus on resuscitation.

People have said "If you knew that, would things have changed?" And the answer is, "No."

"As a physician, you're trained to focus, and that's what you do year after year. You're not a judge; you're not a jury. You're a physician."

Dr. FRIST never stopped being a physician. Throughout his 12 years in the Senate, he always had the Nation's health in mind. He was always a champion of medicine, and his class and integrity is unquestioned.

The Senate will truly miss his leadership, and we will miss all of our departing friends.

APPAREL IMPORTS

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the assurances my friend and colleague from Oregon and I have received from U.S. Trade Representative, USTR, Susan Schwab and Assistant Secretary of Commerce David Spooner about the import monitoring program on Vietnamese textiles and apparel. In response to concerns raised by Senator DOLE and Senator GRAHAM about the impact of Permanent Normal Trade Relations, PNTR, for Vietnam, Ambassador Schwab and Secretary of Commerce Carlos Gutierrez wrote a letter stating their intention to monitor U.S. textile and apparel imports from Vietnam and self-initiate antidumping investigations if the normal elements of an antidumping case can be demonstrated. The Commerce Department will conduct a review every 6 months, and the program will last until the end of this administration. I ask the Senator from Oregon if he is aware of the concerns that have been raised about this program.

Mr. SMITH. I am aware of the concerns, and I want to thank the senior Senator from California for her leadership on this issue. The apparel industry is a very important segment of Oregon's economy, and my constituents back home are watching this issue very closely. There is a great deal at stake here for Oregon companies such as Nike, Inc., and Columbia Sportswear that source apparel from Vietnam. These companies provide thousands of well-paying jobs to workers in my State and infuse billions of dollars into Oregon's economy. I have heard from them and other U.S. retailers about the impact the proposed monitoring program will have on their businesses as unilateral actions such as this can have a significant chilling effect on companies' sourcing strategies.

Unfortunately, the administration did not give the apparel and retail industry due consideration in its decision to monitor textile and apparel products from Vietnam. I am disappointed that the administration chose to use our trade remedy laws as a tool in the legislative process and not consult with other Members of Congress or the retail industry before agreeing to create a new monitoring process. I share the concerns of my constituents that this program will burden and discriminate against trade in textiles and apparel from Vietnam.

I was pleased that the senior Senator from California agreed to send a letter with me to USTR and Commerce asking for assurances that the program would be implemented in a manner fully consistent with U.S. law and our obligations in the World Trade Organization, WTO, and that no new precedent would be set; the program would not establish any additional burdens for importers and exporters of Vietnamese textiles and apparel; and U.S. textile and apparel importers and retailers will have the opportunity to review and comment on how the program is developed.

Mrs. FEINSTEIN. I agree with the Senator from Oregon's description of our concerns and the assurances we are seeking from the administration. This matter was first brought to my attention by key retail constituents in my State including companies like Gap, Inc., Liz Claiborne, and Limited Brands. Retailers have expressed their concern that the import monitoring program would create too much unpredictability and force companies to modify their sourcing strategies and accept the risk of and potential additional cost of antidumping investigations and antidumping duties. They share the concern expressed by the Senator from Oregon that the retail industry was not consulted before the administration committed to setting up the program. I was happy to join the Senator from Oregon on the letter to USTR and Commerce, and I had hoped that we would receive a response before a vote on PNTR on the Senate floor. Is it the Senator's understanding that we will not receive a response to our concerns before the vote?

Mr. SMITH. It is my understanding that lawyers from USTR and Commerce have advised Ambassador Schwab and Secretary Gutierrez that because a notice has been placed in the Federal Register announcing the creation of the import monitoring program and soliciting public comment, they cannot provide a substantive written response to our letter. Nevertheless, Ambassador Schwab and Assistant Secretary of Commerce Spooner graciously agreed to meet with the Senator from California and me to provide us with more information about the import monitoring program and how it will be implemented.

Mrs. FEINSTEIN. The Senator from Oregon is correct. We had a robust and substantive discussion. Ambassador Schwab and Assistant Secretary Spooner assured us that the import monitoring process will be fully consistent with U.S. law and applicable WTO rules. No new precedent would be set. In addition, they also agreed that the import monitoring process should not harm U.S.-Vietnam textile and apparel trade, and they assured us that no additional reporting requirements or other burdens would be placed on importers of textiles and apparel from Vietnam. This means that it is their intention that monitoring will be based upon information already collected in the normal customs entry process or otherwise available to the Government. Finally, they assured us that the views of our constituents and all Members of Congress would be taken into account as the process is developed. Is that the Senator's understanding?

Mr. SMITH. Mr. President, the Senator from California is correct. Specifically, USTR and Commerce told us that it is their intention that any investigation would only cover those textile and apparel products imported from Vietnam which are like or identical to a product also produced in the

United States. This also means that, consistent with U.S. law, the domestic producer will have to request monitoring and supply information about their employment levels and production. This makes sense to me because why would the U.S. Government monitor a product from Vietnam that is not produced in the United States or that the U.S. domestic industry is not interested in being monitored in the first place? It is also my understanding that according to U.S. law, any finding of critical circumstance, which would trigger preliminary antidumping duties, would only be made during the course of an investigation and not in advance of an investigation.

Mrs. FEINSTEIN. Mr. President, I appreciate the Senator's commitment and hard work on this issue. With the assurances from Ambassador Schwab and Assistant Secretary Spooner, I will support legislation granting permanent normal trade relations status to Vietnam. Would the Senator from Oregon agree that we will continue to follow this process closely to ensure that USTR and Commerce live up to their commitments and implement this program in a manner that is fully consistent with U.S. law and our WTO obligations?

Mr. SMITH. Mr. President, I agree with the senior Senator from California, and I would like to thank her for standing with me on this important matter. I too will support PNTR for Vietnam. Both of us are committed to a strong and mutually beneficial United States-Vietnam trade relationship. Both of us understand how important the vibrant and growing Vietnam market is to our constituents. I look forward to working with the senior Senator from California to provide effective oversight of the monitoring program and ensure that the voice of retailers across the country are heard in the discussion of U.S. trade policy. I trust Ambassador Schwab when she told us that she intends to have this monitoring process work in the way we discussed in our meeting. As the senior Senator from California knows, we have many difficult trade initiatives that we will consider next year. I, for one, will measure my willingness to work with the administration on these upcoming initiatives, in part, based on the good faith of the administration in implementing this monitoring process in a fair and normal way.

#### THE DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. ENZI. Mr. President, today Congress acted in the interest of the public health by passing the Dietary Supplement and Nonprescription Drug Consumer Protection Act. I am extremely pleased that the House has now passed this bill and sent it to the White House for the President's signature. This legislation would require manufacturers of dietary supplements and all manu-

facturers of over-the-counter drugs to report serious adverse events to FDA.

The Dietary Supplement Health and Education Act of 1994, DSHEA ensures that a broad array of dietary supplements are available to American consumers. DSHEA protects consumer choice and access to dietary supplements that are safe and properly labeled.

This bill will preserve the safety and availability of dietary supplements that benefit so many Americans. Although many dietary supplement manufacturers already give FDA reports they may receive regarding adverse events associated with their products, they are not required to do so. This legislation would add that requirement, while keeping safe supplements available to consumers.

This proposal adds a new reporting requirement for dietary supplements and all manufacturers of over-the-counter, OTC, drugs to report serious adverse events to FDA. This is an entirely new requirement for supplements. Some OTC drug manufacturers are already required to report serious adverse events.

The reporting would be limited to serious adverse events. We are talking about the kind of information FDA really needs—reports of death, a life-threatening experience, hospitalization, a persistent or significant disability or incapacity, or a congenital anomaly or birth defect.

To ensure that unscrupulous competitors cannot damage legitimate businesses, the bill makes it a prohibited act to make a deliberately false adverse event report to a manufacturer or to the FDA.

The bill also sets a 15-day time limit for manufacturers to turn over reports of serious adverse events they receive. They must keep the reports for 6 years, and FDA is allowed to inspect the manufacturer's records of adverse event reports.

This new Federal requirement would replace any potential state requirements. However, States would still work with FDA on safety issues.

And safety is what this bill is all about. You need good data to make good decisions. Most dietary supplements are safe and should be available to consumers. But just in case one isn't, FDA needs to have accurate, current information to decide when to act and what to do. This bill will help the agency get that information.

This bill is the result of a tremendous amount of work across party lines. I want to thank my colleagues Senators HATCH and HARKIN here on the committee, and Senator DURBIN, for getting this bill started. I would also like to express my deep appreciation and thanks to the ranking member, Senator KENNEDY, for his hard work during this process. We have produced a fair bill, and I am so pleased my colleagues on both sides of the Capitol have lent it their support.