

So said Alfred Edward Housman, who was a Shropshire lad.

But the promise of rebirth and gift of new life everlasting are the great prize, hard won from the tragedy of betrayal and a torturous, protracted death.

Over the span of a week, from His entry into Jerusalem on Palm Sunday, and the final miracle of the resurrection and ascension on Easter Sunday, an epic unfolds. Christ's pain and suffering, so nobly borne, gave no hint of the miracle to come.

On this Easter Sunday, I offer my hopes to our men and women serving in Iraq and Afghanistan and all the dangerous places in the world. Our hearts, our hopes, and our thoughts are with you, and may the Lord protect you and give you the strength to see you through these difficult times.

As William Cowper wrote:

It is the Lord who rises with feeling in his wings. When comforts are declining, he grants the soul again a season of clear shining to cheer it after rain.

I would like to think as we used to back in my younger days of the words spoken by William Jennings Bryan. The words that come from his proof of immortality:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man, made in the image of his Creator?

If he stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope of the sons of men when the frosts of winter come?

If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay?

No. I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find his realization.

I am as sure that we live again as I am sure that we live today.

I also enjoy reading from William Jennings Bryan's "The Prince of Peace," reading what he said about the grain of wheat.

He said:

In Cairo I secured a few grains of wheat that had slumbered for more than thirty centuries in an Egyptian tomb. As I looked at them, this thought came into my mind: If one of those grains had been planted on the banks of the Nile the year after it grew, and all of its lineal descendants had been planted and replanted from that time until now, its progeny would today be sufficiently numerous to feed the teeming millions of the world. An unbroken chain of life connects the earliest grains of wheat with the grains that we sow and reap. There is in the grain of wheat an invisible something which has the power to discard the body that we see, and from earth and air fashion a new body so much like the old one that we can not tell the one from the other. If this invisible germ of life in the grain of wheat can thus pass

unimpaired through three thousand resurrections, I shall not doubt that my soul has power to clothe itself with a body suited to its new existence when this earthly frame has crumbled into dust.

I thought a couple of these reminiscences from William Jennings Bryan and a few passages of the Scriptures might be appropriate on this April afternoon as we close.

I finally end with the words of Julian S. Cutler, whose poem, "Through the Year," reminds us the Lord is with us in all the seasons of the year and in all the seasons of our lives. And at Easter, we celebrate God's promise that we may be with Him in life everlasting:

God be with you in the Springtime
When the violets unfold,
And the buttercups and cowslips
Fill the fields with yellow gold;
In the time of apple blossoms,
When the happy bluebirds sing,
Filling all the world with gladness—
God be with you in the Spring!

God be with you in the Summer,
When the sweet June roses blow,
When the bobolinks are laughing
And the brooks with music flow;
When the fields are white with daisies
And the days are glad and long—
God be with you in the Summer,
Filling all your world with song.

God be with you in the Autumn,
When the birds and flowers have fled,
And along the woodland pathways
Leaves are falling, gold and red;
When the Summer lies behind you,
In the evening of the year—
God be with you in the Autumn,
Then to fill your heart with cheer.

God be with you in the Winter,
When the snow lies deep and white,
When the sleeping fields are silent
And the stars gleam cold and bright.
When the hand and heart are tired
With life's long and weary quest—
God be with you Erma, in the Winter,
Just to guide you into rest.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

ASBESTOS LITIGATION

Mr. CARPER. Mr. President, before Senator BYRD leaves the floor, I wish him a joyous Easter and thank him for reminding us of what Easter is all about.

When Members reflect on the diversity of the religious views of our constituents—some are Protestant, some are Catholic; some folks in West Virginia or Delaware are Jewish, as some here are. We have folks in our States who are Hindu, Muslim, Buddhist. There is a wide diversity of religions in this country. It is a sign of our strength, not a sign of weakness.

We are reminded that one of the reasons we are strong is because we respect the right of everyone to worship God as he or she sees fit, or to not worship at all.

Ironically, whether we happen to be Jewish, Catholic, Protestant, or some other faith, it is interesting how often we agree on a premise, a principle laid out in the New Testament.

I don't think Senator BYRD read it today, but we call it the Golden Rule.

The idea there is to treat other people the way we want to be treated. I am not enough of a religious scholar to know where that scripture appears in the New Testament. It may also appear in the Koran or the Torah or any other religious text of other religions around the world. But my guess is it does say, in so many words, we should treat other people the way we want to be treated.

I want to talk about that principle and how it might apply to what we do in the Senate. I apply it to an issue we may address as soon as we return April 19.

Majority Leader FRIST has said, when we return immediately following the Easter holiday, the first issue of any consequence he would like for us to address deals with asbestos litigation. This is something I have worked on, along with many of my colleagues, for most of the 3 years I have been in the Senate.

My first year in the Senate, about a year or two before the Presiding Officer arrived, I remember visiting Senator BYRD. I asked how this place works and he gave me some pointers. He was a great mentor then and he continues to be a great mentor today.

Among the pieces of advice he gave me: When people want to talk to you, talk to them.

It turns out one of the calls my first year was from a fellow named Frank Macher. He is somebody my wife introduced me to. She worked at DuPont at the time and had dealings with Ford Motor Company. Frank Macher was a fairly senior official at Ford Motor Company. He retired from Ford Motor Company.

I lost track of him for a few years and he called to say he had assumed a new position with a new company. I asked, "Who is that," and he told me he had just become the CEO of a company called Federal-Mogul. I was not familiar with the company. He said I was probably familiar with some of their products. They manufacture or sell and distribute, among other things, Champion spark plugs and a variety of other products used in the automotive industry.

He said: Sometime when I come to Washington in my new role I want to be able to come and see you; it is good to renew a friendship. I said: Come on over.

Lo and behold, a month or so later he came. We had a great meeting. It was a good moment. He headed for home. I said: If you are back this way, let us know.

After 6 months or so, he called me again. I said: How are you doing?

He said: We have a problem.

I asked: What is that?

He said that somewhere along the line, before he became CEO of this company, Federal-Mogul had acquired a subsidiary, I think it was a British subsidiary, for a period of time, not a long period of time but maybe a couple of years.

He said because of that relationship—they acquired it and sold it within a couple of years—his company, Federal-Mogul, had been exposed to all kinds of litigation with respect to asbestos because this subsidiary that they owned years ago for a short period of time had a position or presence in the asbestos business.

We met and talked. I said: Since you live in Michigan, maybe you ought to spend some time with your Senators. I think he visited his two Senators. I suggested he visit with the chairman of the Senate Judiciary Committee at the time, Senator LEAHY. He was good enough to meet with Frank Macher.

What proceeded from there, about a year or so later, is Federal-Mogul ended up going into bankruptcy. Ultimately, it was reorganized and emerged from bankruptcy.

I don't know the effect on the employees within that company. I do know this: The shareholders in the company lost, as far as I understand, the entire value of their shares. The employees of the company who had money in a 401(k) plan that included company stock lost the value of that company stock. The pensioners from Federal-Mogul who were retired, or trying to retire, probably lost some of their pensions as the company went in and out of bankruptcy.

We know what happens all too clearly—in fact, I am reminded of legislation we worked on today—to employees or retirees of companies that go into bankruptcy and how that can adversely affect the size and amount of their pensions.

In any event, that experience with Frank Macher and with Federal-Mogul acquainted me with an issue that, frankly, I had not thought about for one minute before I came to the Senate.

Fast forward for several months, subsequent to that initial meeting with Frank Macher, a second meeting with Frank Macher from Federal-Mogul, to a conversation, a visit I had from an attorney from the west coast. I can't recall his name off the top of my head, but he was a good person, a trial lawyer. His particular specialty was representing people who were afflicted with mesothelioma. Apparently, mesothelioma is something folks contract from exposure to asbestos. There is no known cure. There are several thousand people who will die each year from that disease.

The attorney who came to meet with me talked about his clients. Those who were fatally stricken and soon to die, and how in many instances they or their families were not receiving the compensation for what they were going through and for the loss of life.

He said the current system we have is broken. It ought to be fixed. In too many cases, the way the current system works is that the people who may have mesothelioma or a serious asbestos-related disease, lung cancer that has grown from exposure to asbestos,

these individuals or their families are receiving pennies on the dollar for what they should be getting for pain and suffering and loss of life.

Meanwhile, in too many instances people who may have had exposure to asbestos but are not impaired, are not sick, are taking away, siphoning off, some of the money that ought to be going to people who are impaired or seriously ill and may ultimately die. Instead of the money actually getting to the victims, I am told maybe half goes to other parties in transaction costs.

That is not a good situation. It is not a healthy situation. Almost everybody here familiar with this situation would say if there is anything we ought to fix this year, this is near the top of the list. We should fix it. We can fix it.

I have been here about 3 years and for most of those 3 years people on both sides of the aisle have been trying to do that. Progress has been made. The Judiciary Committee marked up and reported out a bill last year, a bill that has been criticized by a number of people, a number of parties that are involved in this issue. Nonetheless, it represents an effort to try to address a situation we all know needs to be addressed.

The bill was reported out of committee last year. Since November of last year, there have been a series of negotiations that have taken place involving, among others, organized labor, as a proxy for the victims and the workers, insurers, manufacturers; and, from time to time, the trial lawyers have been involved in those discussions. Those discussions were intended to try to bridge the differences that separated them and us from legislating successfully on this issue and establishing a procedure and funding to make sure people who are sick and dying get the help they need, and folks who are not sick but may have had an exposure have their health monitored, and if they do become sick, they get the financial help they and their families need, to try to reduce the transaction costs so it becomes pretty much a no-fault system.

While some progress has been made, there is more work to be done. I spoke yesterday with Majority Leader FRIST, whom I respect very much. In fact, the conversation I had with him yesterday is similar to one I had with him the week before, and I think probably the week before and the month before that. I have suggested to him, in strong terms, that as we return from the recess that begins tomorrow—and we return in about 10 days—that the first bill we take up be legislation about which there has emerged a bipartisan consensus.

Again, it involves legal issues, but the first bill that we take up, in my judgment, should not be asbestos litigation reform. It should be class action reform. We have debated it to some extent on the floor. We had a cloture vote on class action legislation last year. We ended up one vote short of the 60 we

needed to proceed to the bill and take it up.

In the time since then, three other Democratic Senators have stepped forward and been part of a negotiation with our friends on the other side—negotiations in which Senator KOHL and I participated. I think out of those negotiations has emerged a significant improvement to the class action bill that came to the floor last year and is a path forward to enacting that legislation in the Senate the week after we return from this upcoming recess. We should take it up. We should provide a week to debate it. We should let it be like a bottle of wine, to breathe on the floor, if you will, to give Members the opportunity to offer amendments, hopefully, mostly germane. And I know there are some Members who have constructive amendments to offer. There are others who would like to offer some nongermane amendments, and I hope the other side would allow some votes on those nongermane amendments.

After a reasonable period of debate, we ought to be able to go to final passage and send that bill to the House of Representatives.

I do not believe we are at that point yet with respect to asbestos litigation. I urge Senator FRIST not to lead with asbestos litigation on April 19. Progress has been made in recent months, particularly since November, in a negotiation begun by Senator SPECTER and overseen by Judge Becker. They have been successful in getting organized labor, insurers, and manufacturers to agree on the administrative structure: Where should this fund be housed? How should people go about applying for money if they are sick or impaired? How do they go about, in a practical way, getting the help they need?

It has been a very constructive negotiation. Out of that negotiation I think a sense of trust and confidence has grown among the parties who have been negotiating under the auspices of Judge Becker and Senator SPECTER.

Previously, when the legislation was voted on, debated in committee, among the very positive things the committee did was to agree on medical criteria. It is a tough issue. They reached consensus. We have the medical criteria agreed to by the committee. We have agreement on the administrative issues, which is important. My hope is they will be agreed to by the Senate.

But there are other issues that still remain to be addressed, and they need to be resolved. I am not convinced, by a long shot, that our best bet and our smartest course is to try to resolve all of these issues, and a number of others yet to be resolved, on the Senate floor.

Let me mention a few. How much money should each individual victim receive? How much money should be contributed to the fund? How much from the insurers? How much from the manufacturers? How do we treat the several hundred thousand current claims—more than a quarter of a million current claims? What kind of

screening should be provided for workers? How do we treat railroad employees who are covered under a unique compensation system of their own? What happens if our assumptions are wrong, and the fund runs out of money 10 or 15 years from now, and people are still getting sick from their exposure to asbestos?

Those are big issues. Those are important issues. They are central to the overall premise of this bill. And despite the best efforts of all sides thus far, we do not have consensus on them, at least we do not have consensus as yet. That certainly does not mean we ought to give up, not by a long shot; quite the contrary.

Senator FRIST has said the bill he has recently introduced is not a take-it-or-leave-it offer. He said he is willing to work with Senators on both sides to improve the bill and to improve its ultimate chances of passage.

I would say again to Senator FRIST, I am anxious to be part of this solution. I know others on my side, and certainly on the Republican side, are anxious to be a part of that solution. I would call on him today to join with Senator DASCHLE in a bipartisan effort where they convene, under their auspices a negotiation that includes, among others, organized labor, the insurers, the manufacturers, and perhaps the trial bar, and get people in a room who can make some decisions, and to keep them there until most of the issues I have just gone through—at least those—are, for the most part, worked out to the satisfaction of the parties.

We hear from organized labor that more money needs to go into the fund. And \$114 billion—now I think a lot of people are suggesting that is enough. It may be; it may not. On the other hand, organized labor says a number closer to what was reported out of committee—I think \$153 billion—might be enough. But whether the number is \$114 billion or \$154 billion, there is some point there between \$114 billion and \$154 billion where we ought to be able to agree that those dollars—whether it is \$124 billion, \$134 billion, \$144 billion—that those dollars are likely to be sufficient to meet the legitimate claims that are going to be submitted for people who are sick from asbestos exposure.

And there needs to be a provision that says: If somewhere down the line the fund does run out of money, there has to be a way for people who are still getting sick from their asbestos exposure to have a way to be compensated.

Some have suggested that maybe the way to do it is to let those people back into the tort system. I would suggest not this tort system, through State and local courts, but through the Federal court. So if the money ever runs out—and I hope it doesn't—people would have the opportunity to come back into the tort system.

If we take up asbestos litigation legislation that has been introduced by Senator FRIST on April 19 and imme-

diately ask for a cloture vote, we are going to get an objection from this side for moving forward at that time. We accomplish nothing. We could take up class action on the same date. We have the votes to go to the bill. We have a bipartisan consensus to do something to make sure that when national class action litigation is brought of a national scope, of a sufficient financial magnitude, that it would be heard in a Federal court, particularly when the defendant is from a different State than the plaintiffs. We can pass that bill. We ought to. We should send it to the House and hopefully they will find favor with it. I believe they will.

But if we take up asbestos litigation at the beginning of the next period in which we are working in the Senate, we are going to end up making people angry, turning people off, raising further the sense of distrust that permeates this body. We will make no progress. My fear is we may poison the well for our ability to pass a class action bill that should move through here pretty easily.

Again, I say to Senator FRIST, reach out to Senator DASCHLE, to my leader, engage him earnestly, the two of you pulling interested parties together. I am not kidding, get them in a room and get them to stay there. If some of us can be in the room, fine. Some of our staffs that are very knowledgeable on these issues and want to see this legislation worked out, get them in the room, too, to keep the negotiating parties honest and to keep them moving. But let's put some focus on getting that negotiation done so the issues around the amount of money we need and where it should come from, what to do with those hundreds of thousands of claims that are pending, so that we can resolve those issues before we bring the bill to the floor.

Senator CORNYN has been here a little over a year now. I have been here a little bit longer than he. We both have been here long enough to see bills come to the floor that are literally worked out on the floor because the committee was not able to do it, maybe it was not possible, and we ended up writing the bill on the floor. Sometimes that works out. Sometimes it doesn't.

If we try to write the asbestos litigation on the floor on April 19, we are not going to work it out. There is value in setting a date certain when we are going to take up this bill. I don't have a calendar with me, but I think that Monday, May 17, is the last week we will be here before the Memorial Day recess. I believe that is the date we should set. I urge us then to take up asbestos litigation legislation the week of Monday, May 17.

Maybe if we have had a chance to already do good work on class action legislation in April, that will be helpful in dispelling some of the distrust and mistrust that characterizes so much of what goes on in this body and in this building these days.

A lot of Democrats and a lot of Republicans—going back to the adage we

talked about in the New Testament—understand that we ought to be trying to treat other people the way we would like to be treated, whether they happen to be folks whose health is impaired, maybe their lives are threatened because of asbestos exposure, or maybe they are a company that is like Federal-Mogul that went bankrupt or an insurance company, some of which are, frankly, pretty close to the edge of remaining solvent because of their exposure over this issue. Maybe we can put ourselves in the shoes of all those different parties and make sure that whether you happen to be impaired, injured, or you happen to be an insurer or an employer, that we try to treat them with a compromise bill where we treat them the way we would want to be treated ourselves.

It is critically important that people who are sick and dying get the help they need now and that it be generous. It is important that people who may have had an exposure, who become sick from asbestos exposure, if they become sick, they get the help they need, that it is fair, generous, and prompt. It is also important that people who may have had an exposure but are not sick, as they go forward in time, their health be monitored, and that, frankly, somebody pay for that monitoring for them, and that this fund we would create under this legislation pay for medical monitoring costs so if those folks become impaired or develop the symptoms that have costs the lives of too many people, they can get the help they need and get it promptly.

By the same token, we have seen a whole lot of companies go under. They have gone into bankruptcy. Some will say: Well, they will reorganize. Everything is fine.

It is not. It is not fair to the people whose 401(k)s are in company stock, if it is gone. It is not fair to the retirees whose pensions have been reduced. It is not fair to the employees who may have lost their jobs at those companies. It is not fair to the shareholders who have lost almost everything they invested in those companies.

Finally, as we bemoan the loss of manufacturing jobs—and we have seen literally millions more manufacturing jobs lost just in the last 3 or 4 years—it is important for us to create an environment in this country where manufacturing jobs can continue to exist and we don't lose even more jobs. I am convinced there are a couple things we could do to help reverse this trend, or at least stop it in its tracks. One of them is to provide a legal system, a system of justice that makes sure when people are hurt, they are compensated and they are compensated fairly; that the folks who damage them, who have hurt them, pay their fair share.

It is also important as we do that work that we do it in a way that is fair and does not make our country an even less attractive place for companies to be in business, manufacturing businesses especially. We have to be smart enough to figure this one out.

We need to set a deadline for action, action to take the bill up here. In the 3 or 4 weeks before we do that, there needs to be continued negotiation. My view is that negotiation should be fostered and overseen by the majority and minority leaders. We don't need to take this up and do this on April 19. We need to take it up and we need to change it and improve it. We need to infuse that legislation with more consensus that may grow out of the negotiations I am encouraging. If that happens, we can pass a bill Delaware and Texas can be proud of. It will really put truth to the notion that we treated other people the way we want to be treated, whether they happened to be an asbestos victim or the company that is required to pay for their treatment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, over the next 30 minutes or so, I have a couple of statements I want to make on important issues and, shortly thereafter, we will be adjourning for our recess.

I had the opportunity to hear most of the comments from the Senator from Delaware, who, as he knows, I respect tremendously on a whole range of issues, but in particular his commitment to doggedly working these issues of class action and asbestos, issues that are so important to the American people. He and I have had many discussions in terms of approach and how best to address the issues. It is frustrating for me, obviously, in many ways in trying to schedule a lot of legislation that is important for us to have to stop or to switch and sequence these pieces of legislation. Two of those pieces he mentioned—the asbestos legislation and class action—are two that I hope we can address. Although it is difficult on the floor of the Senate to fully address them, it is harder in committee. Both have been addressed in committee. The issues on each have taken a different course.

Although no final decision is made, part of the reason for introducing a revised asbestos bill last night was that people who care very much about this issue—the 100 people in this body, and others who will be impacted by this significant piece of legislation—will be able to read a current document that I think is improved in many ways. Others may disagree, and that is why we need time to look at it and discuss it. But in the area of administration of the bill itself, there has been a lot more discussion since the asbestos bill was marked up in committee. Those have been incorporated. There have been other changes we need to debate and discuss. We can argue about the most appropriate forum. You can take it back through committee, or you can do it on the floor of the Senate, where everybody can be involved.

Since we have given it one good shot through committee, I think it is time to take the improved product, put it

out there, which is what we have done, and let people digest it and discuss it, starting today. That was the whole purpose of introducing it. Then we will see over the next 8 to 10 days. Hopefully, people will be getting together. I will make that commitment to the Senator. He has appealed to common sense that we get together on both sides of the aisle with leadership. I will do that.

I am confident that in the end, we are going to be able to work through a lot of these issues. He enumerated the issues that were addressed in committee, which made it a good bill, and the issues that need to be addressed, whether it is the size of the fund or payout of the fund, the level 7 type criteria, a whole range of things I think we can address.

We have addressed class action on the floor of the Senate. It was debated and we had good debate here and in committee. There it was blocked. We had a filibuster here. We can, again, argue why there was a filibuster, but it was filibustered. We tried it. Since then, we have gone back and worked together and have improved the product. My challenge is to bring that improved product, where there are probably more than 60 votes, to the floor, but do it in a way that we can stay on the bill, have germane amendments, improve the bill, debate it, and vote on it.

My problem, as my distinguished colleague knows, is that nobody can make that commitment. He and others have seen, without that sort of commitment, what happens. It has happened with the FSC/ETI JOBS bill, which we will be talking about shortly. We spent 3 weeks on that, and we would start and stop and start and stop, starting with 75 amendments on one side, and we may have had 75 on our side, I don't know. But it has been overwhelming. Now we are 3 weeks into that bill, and finally we are going to come to some agreement on a universe of amendments. On class action, we were unsuccessful. So I will shift to asbestos and see what we can do there by working together. Then we will come back to class action. I heard loud and clear the rationale of why we can't consider class action now, so I have decided another course. There is no agreement to address it yet. I express my willingness to work on these issues.

Even though it is a very partisan environment and we have campaigns and it is an election year, if I look at what has been filibustered—the JOBS Act, Welfare Reform Act, energy, medical liability, FSC/ETI, which were all filibustered—you almost say we are not going to get anything done. But we can. We can make progress on the JOBS bill here shortly, and I think also on these important tort-type issues where we know we can do better and we can make progress as well.

So I thank my colleague. I don't think there is anybody in the body who has worked harder on these issues on a

personal basis to try to move America forward on the issues, recognizing there has to be give and take. Nobody has the perfect answer. My purpose last night was to introduce a product we can look at and debate and approve. We have that opportunity, over the next 8, 9, or 10 days, to do that.

We need to get everybody to the table, not excluding anybody, and to really make it work. There is no way to pass a bill right now unless we get people to the table. Unless we are going to get more than 60 people—but even 60 people isn't much—you have to have people as committed as the Senator from Delaware.

Mr. President, I want to comment on a public health issue. I know people say every time I get up, I am taking a health issue. It is important to me personally, but also to the American people, to address issues that don't necessarily make it to the front page every day which ultimately impact people's lives, some of whom don't have anybody speaking for them directly all the time. But also there are so many issues in health care that, if you shine a spotlight on them, people say, that makes sense; let's do something about that.

One such issue centers on the fact that this week is National Public Health Week. It started in the early part of the week and runs throughout the week. It is a week during which health care professionals and the public at large, hopefully, take the time to reflect on the successes of our public health system and examine ways it can be improved.

As a physician and one who has spent 20 years in the field of health, I have always admired our public health system. I think our country has underinvested in it in the last 10 or 15 years. But I think as people look at issues like bioterrorism, the threat of biological agents, and chemical agents, and emerging infectious diseases such as SARS, HIV/AIDS, people realize that the frontline of defense is our public health system. With regard to Public Health Week, the American Public Health Association has focused its efforts this year on raising public awareness about health disparities, along with a short list of issues. I want to focus my remarks on the health disparities.

Each day over the course of this week, the national association has convened a townhall discussion in a different city to highlight an aspect of this topic of health disparities. People say: What is Dr. FRIST talking about? It is the disparities, the differences that center on race, on ethnicity, on geography—where somebody lives, whether it is in a city, a rural area, or different parts of the country—or health care disparities that center on health literacy, how educated you are to understand what is being told to you about health care, your own health care, the environment and chronic disease, all of which have these disparities

which, if we shine the light, we would probably eliminate a large number of them.

Two days ago on Tuesday, the American Public Health Association held a townhall meeting in Memphis, TN, to highlight rural health disparities, one of those geographic disparities that affect people in ways that may not always be obvious. I want to take a moment and acknowledge several people: The Honorable Dr. W. W. Herenton, mayor of Memphis, the Honorable A. C. Wharton, mayor of Shelby County, as well as all the other many distinguished participants and sponsors of this successful event, including another good friend, a former classmate of mine, a medical colleague when I practiced medicine, Dr. Kenneth S. Robinson, who is now commissioner of the Tennessee Department of Health; Georges Benjamin, M.D., executive director of the American Public Health Association; Pat Santel, president of the Tennessee Public Health Association; Shavetta Conner, M.D., regional medical officer, west region, Tennessee Department of Health; Robin J. Womeodu, M.D., executive director, Center on Health Disparities, University of Tennessee; the Rural Health Association of Tennessee; the Tennessee Hospital Alliance, as well as TennCare.

I especially wish to commend APHA, the American Public Health Association, for taking time to hold this particular meeting in Tennessee and for their efforts to bring a comprehensive approach to the problem of health disparities.

I strongly believe any health care disparity among our citizens is simply unacceptable. No patient should be denied quality health care because of their race, where they live, what their ethnicity is, what their gender is, or their socioeconomic status.

Consider some of the facts, and once you hear these facts, you will see why I believe it is unacceptable, there is no good reason for it, and almost all of these have reasons we can address that can change the disparity.

Even when socioeconomic status is equal, the mortality rates are higher among African Americans and American Indians than among other groups.

My own specialty of heart disease—heart disease is, by the way, the leading cause of death in the United States. Heart disease mortality rates are almost twice as high among African Americans as among Whites. Even when we examine heart disease mortality by socioeconomic status, the differences between African Americans and Whites, though significantly reduced, are not eliminated.

African-American and Hispanic women both experience a higher prevalence of diabetes when we compare those groups to White women.

New studies indicate 70 percent of American Indians live in urban areas, and nearly 1 in 4 of these live below the poverty level, and nearly half below 200 percent of the Federal poverty level.

These rates are substantially higher than the rates for all other races combined.

I mentioned income and geography. When we look at the disparities, both income and geography play a major role. For example, African-American men with incomes less than \$10,000 have a heart disease mortality rate that is nearly 3 times that of their counterparts with incomes greater than \$15,000.

Geography is also important. Twenty percent of the U.S. population lives in rural areas. These rural communities often experience poorer overall health status than many urban communities. Notably, residents of rural communities have higher rates of chronic illnesses, such as diabetes mellitus and cardiovascular disease. They also have higher rates of disability.

The reasons for these rural disparities are many. They include factors such as transportation difficulties, lack of physicians, and lack of other health services. Often the health care services that are available are much more limited than those services available to their urban counterparts, to their counterparts in the cities. Also, residents who are in rural areas are much more likely to be uninsured than those in urban areas.

Last year in a speech at Morehouse University, I laid out a plan to combat these health disparities. Since that time, I reached out broadly to a whole range of constituencies, working with stakeholders and national leaders to gather input and ideas. Together we are working to ensure my proposed legislation includes the very best possible strategies to eliminate these health disparities.

These efforts culminated in the introduction earlier this year of major bipartisan legislation. Two months ago, I joined with Senator MARY LANDRIEU, Senator THAD COCHRAN, Senator MIKE DEWINE, Senator CHRISTOPHER BOND, Senator JAMES TALENT, and Senator KAY BAILEY HUTCHISON to introduce Closing the Health Care Gap Act of 2004. This legislation builds on past bipartisan efforts to address disparities, most importantly the Minority Health and Health Disparities Research and Education Act of 2000.

In this legislation, we target five key areas. First, expanding access to quality health care; two, strengthening national efforts and coordination; three, helping increase the diversity of those health professionals who are active; four, promoting more aggressive health professional education that is intended specifically to reduce the barriers to health care, several of which I have already mentioned; and five, enhancing the research to identify sources of those disparities—racial disparities, ethnic disparities, and geographic disparities—and also to assess the intervention strategies we know today are quite promising.

In addition, in closing, we know reducing and eliminating health care dis-

parities is not going to be easy. It is going to be a huge challenge before us. Even a lot of the conversations we must have as a society are very difficult, but we must try, and I believe we can do so.

When we engage in this debate, even in the heat of an election year, all of us need to keep in mind the stakes could not be higher. We are talking about the health and the lives of our fellow Americans. The only way we can make progress toward ending health disparities is by forging bipartisan solutions.

Again, I commend the APHA for focusing this entire week on health care disparities. I also appreciate the efforts they have made to support this bipartisan legislation in this arena of health disparities.

I look forward to working with the APHA and all of my colleagues to continue to work to combat the health care disparities that currently do plague our American health care system and, as long as those disparities exist, hurt innocent people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INSOURCING AND OUTSOURCING OF JOBS

Mr. FRIST. Mr. President, I will take another few moments to talk on a separate issue that centers on a topic that has been the subject of a lot of debate and a lot of discussion on the Senate floor and elsewhere. It is the overall topic, the phenomenon of outsourcing. Critics contend that a company's effort to deliver a product or service more cheaply and efficiently to the American consumer is hurting our economy and hurting America's workers. Indeed, this has become fodder for sound bites that I think are not justified and thus want to take a few moments to talk more broadly about what outsourcing is and what it is not.

I should begin by starting with the flip side of outsourcing and that is insourcing. What is "insourcing"? What is this phenomenon of insourcing? Well, it has been a company such as Nissan opens a plant in the United States and thereby creates high-paying jobs for American workers to the benefit of those American workers. In fact, that is the very thing that happened in Tennessee when, in 1980, Nissan opened its first plant in Smyrna. In the 1970s, Tennessee, like the rest of the country, was struggling with high unemployment several times the current rate of 5.6 percent. Then Nissan opened a manufacturing plant in Rutherford County and Rutherford County then went into high gear.