

progrowth fiscal policy, and we are already beginning to see those results. But there is still a lot more to do. We have to address, and we will address in the next year, the frivolous lawsuits that we all know are clogging our State courts. They are unnecessarily wasting our taxpayer dollars, and that gets reflected in inhibiting, almost straitjacketing businesses, especially small businesses. It straightjackets that entrepreneurial spirit that we know bubbles underneath here in the United States of America. It is that entrepreneurial spirit; it is that innovation and creativity that creates jobs. Yet we have a tort system, mainly reflected in these frivolous lawsuits, which keeps it contained, keeps it trapped.

In my own area of medicine, for the first time in a long period of time this past summer we addressed the medical liability issues with a freestanding bill. It is going to come back and it is going to keep coming back until we solve this unnecessary problem which affects access to care, to quality care, as we see trauma centers closing, as we see obstetricians no longer delivering babies. Again, it is a problem that can be reversed, and in this body we have a responsibility to reverse it. And we will. America is a country that values its citizens and we will return fairness to the litigation process.

We will also work to return fairness to the tax system. We will press for reforms to simplify the Tax Code. We will work to extend the tax credits passed in the Jobs and Growth Act. The work opportunity tax credit, for example, offers tax incentives to hire unemployed workers and welfare recipients. Not only is this smart, progrowth fiscal policy, it also is compassionate social action.

Fairness and compassion also demand that we permanently repeal the Federal death tax, the estate tax. Americans who work hard their whole lives, who save and who invest, who start those small businesses which become that engine of economic growth, those individuals who contribute to America's economic vibrancy, simply should not be punished for their success. That is what the death tax does. No son, no daughter should have to sell that family home to pay the death tax collector. It makes no sense, it is unfair, and it discourages productive economic activity. We will address it and ultimately we will win.

Compassion also demands that we turn our attention to fine-tuning the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Since it was enacted 7 years ago, welfare reform has helped to lift millions and millions of families out of poverty. There are over 3.5 million fewer people living in poverty now than in 1995, a year before welfare reform was passed. Welfare caseloads have declined to one-half. When we return next year, we will look for ways to build on this success so that more families can have a fair chance at the American dream.

We will also address that important issue, and an issue, again, I talk a lot about, and that is the problem of the uninsured. The increasing number—again, you will see this body is beginning to address those areas, those problems where the problem is getting worse over time, and the uninsured is just that area. It is an increasing number of uninsured, people without health insurance. Clearly, this problem represents one of the most daunting policy challenges facing our Nation.

As a physician, I saw firsthand how the lack of insurance, the lack of coverage, puts forth the significant barriers to quality health care, including such things as basic as preventive services. The lack of affordable health coverage is also one of the key factors contributing to health care disparities among minorities among other medically underserved populations. I asked my colleague the Senator from New Hampshire, Mr. JUDD GREGG, to lead the Senate Republican task force on this pressing issue, the uninsured. He will report back with a series of recommendations for modification, for strengthening, for reform next year.

Next year we will also continue our efforts to improve America's public educational system. We are committed to improving Head Start to make sure that Head Start children enter school with the same tools and the same skills as their economically advantaged peers. We are also committed to expanding access to college education for every American student who seeks it, and for special education students we will work to pass comprehensive legislation that protects their educational rights as well.

Education, as we all know, is the heart and soul of America's success. Our abundance, civic life, and democracy demand and depend directly on a thriving and educated citizenry.

Education, the uninsured, tax policy, welfare reform, litigation reform, judicial nominees, energy, and appropriations are just some of the challenging issues we will be addressing next year. I am confident that next year, just as this year, we will be able to meet ambitious goals.

In closing, each day that I have the opportunity to walk into this great institution, I am humbled. Indeed, I am inspired. I am humbled mostly by the great men and women who have come before and inspired by their example. In his 1862 address to Congress, President Lincoln told the assembled legislators that "America is the world's last best hope." Those words have never ever been truer than they are today. I am confident that we will face the challenges ahead with honor and with courage for the simple reason that we are Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

INTELLECTUAL PROPERTY RIGHTS

Mr. FRIST. Mr. President, I had the opportunity to take my wife Karyn to the Kennedy Center Honors, which is an annual tradition here. It is really a remarkable evening—a 2-day event—where America celebrates cultural icons. Most of them have been recognized before. But in that special gathering and in that beautiful building, the Kennedy Center, it takes on a really special meaning I think for us in this body, in the U.S. Congress, for those of us here in Washington, but indeed for people around the world as they see it replayed just after, I think, December 26.

While I was there, I couldn't help but to reflect as I watched one of country music's greats, Loretta Lynn, receive her honor. An issue that affects the State of Tennessee but indeed which affects people throughout the United States of America deals with intellectual property rights.

The State of Tennessee is known the world over for its vibrant musical heritage. It is the home of the Grand Ole Opry and the Country Music Hall of Fame. Indeed, Tennessee has produced some of the greatest popular pioneers of all time. Indeed, Tennessee has produced Elvis Presley, Johnny Cash, Loretta Lynn, Dolly Parton, and the list goes on. Those who grew up in Nashville had that opportunity to go by on a regular basis and experience the music at the wonderful Ryman Auditorium, where the Grand Ole Opry was housed for so many years.

In the next few weeks, we will have the pleasure of hearing renditions of many of these artists with their Christmas carols played over the airwaves all across this country and even all across this globe, in shopping malls just about everywhere the holidays are celebrated.

The music community that creates these opportunities and this joy is being threatened. In these closing minutes, I bring that to the attention of my colleagues. It is being threatened by those who love it so much, who appreciate it so much; that is, the millions of people who are downloading billions of illegal music files.

I have had the privilege of meeting diverse groups of leaders from the music community on several occasions, but the focus has been to discuss the effects of piracy on the music industry. It is huge. It is far reaching. It is the artist, it is the record companies, it is the performing rights organizations, it is the publishers. The bottom line is clear: Piracy is greatly impacting the music community. The situation is, indeed, growing worse. Online music piracy is out of control.

Currently, every month, 2.6 billion music files are downloaded illegally

using peer-to-peer networks. It is not unusual for albums to show up on the Internet before they make it to the record stores. The music industry is losing \$4 billion a year to piracy, and that dollar figure is growing every day. Most alarming, there is an entire generation of young Americans who believe that downloading online music is acceptable, it is the norm, it is legal, like being your own personal DJ without ever having to buy a CD.

Piracy affects more than just the music industry. It affects that larger element of intellectual property. It includes the movie industry, it includes the software industry. Indeed, the numbers are staggering. According to a report released by the International Intellectual Property Alliance, U.S. copyright industries—and that includes music, movies, books, and software—contributed \$535 billion to the U.S. economy in 2001. They collectively employ over 4.7 million workers. They generate almost \$900 billion in foreign sales, making intellectual property one of our largest exports.

Other countries often do not respect our copyright laws. They allow mass copying of music and other works. For example, it is estimated that an astounding 92 percent of business software used in China is pirated. In my travels to Asia several months ago, I directly stressed the importance of protecting our copyright laws to the leaders of China and Taiwan and Korea, the countries I visited. Copyright pirating is costing our economy billions. As leaders, we must educate the public that illegally downloading music or copyrighted material is stealing, straight and simple. Most people would never steal a CD from Wal-Mart, but they do not think twice before burning a CD from illegally downloaded music. People forget that an artist's song is just like a baker's loaf of bread; it is their creation; it is their livelihood.

While the future of the music industry lies with the merging technology, the industry simply cannot survive if Internet piracy steals its value any more than a shop owner can survive having their inventory stolen from under him or her every week or a restaurant owner can afford in some way to serve meals for free.

Eventually, unabated piracy will dry up income. It drives away the creative spirit. It drives away artists. It destroys the enterprise of making recorded music. Fewer artists, less music. It is that simple. Less music on our airwaves, on the Internet, in the public square, any place you can think of where recorded music is played and enjoyed, including on your own Walkman when you jog or run. Piracy ends up hurting us all, music lovers and music creators alike.

I ask my colleagues to watch this issue closely. We can help educate the public about both the illegality of piracy and its effect on our economy and our creative culture. It is our responsibility to do so. And we can encourage

consumers to download music from legitimate online fee services. There are several sites that are up and running, and I encourage the industry to continue to work hard to improve their online products to meet consumer demand. There is no better time to reflect on the impact of American recorded music than during these holidays. When we hear Bing Crosby's "White Christmas" or Duke Ellington's "Jingle Bells" or Burl Ives's "Rudolph the Red Nosed Reindeer," we are hearing not just another American Christmas classic but a part of America's creative legacy, the recorded music industry, one of our greatest exports to the world.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that the nomination of Rhonda Keenum of Mississippi to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, received on Tuesday, December 9, 2003, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 108-113 and 108-114

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on December 9, 2003, at 3:18 p.m., by the President of the United States: Additional Protocol to Investment Treaty with Romania (Treaty Document No. 108-113), and Taxation Convention with Japan (Treaty Document No. 108-14).

I further ask that the treaties be considered as having been read the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

ADDITIONAL PROTOCOL TO INVESTMENT TREATY WITH ROMANIA—TREATY DOC. 108-13

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Additional Protocol between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment of May 28, 1992, signed at Brussels on Sep-

tember 22, 2003. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Additional Protocol.

My Administration expects to forward to the Senate shortly analogous Additional Protocols for Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic. Each of these Additional Protocols is the result of an understanding the United States reached with the European Commission and six countries that will join the European Union (EU) on May 1, 2004 (the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic), as well as with Bulgaria and Romania, which are expected to join the EU in 2007.

The understanding is designed to preserve U.S. bilateral investment treaties (BITs) with each of these countries after their accession to the EU by establishing a framework acceptable to the European Commission for avoiding or remedying present and possible future incompatibilities between their BIT obligations and their future obligations of EU membership. It expresses the U.S. intent to amend the U.S. BITs, including the BIT with Romania, in order to eliminate incompatibilities between certain BIT obligations and EU law. It also establishes a framework for addressing any future incompatibilities that may arise as European Union authority in the area of investment expands in the future, and endorses the principle of protecting existing U.S. investments from any future EU measures that may restrict foreign investment in the EU.

The United States has long championed the benefits of an open investment climate, both at home and abroad. It is the policy of the United States to welcome market-driven foreign investment and to permit capital to flow freely to seek its highest return. This Additional Protocol preserves the U.S. BIT with Romania, with which the United States has an expanding relationship, and the protections it affords U.S. investors even after Romania joins the EU. Without it, the European Commission would likely require Romania to terminate its U.S. BIT upon accession because of existing and possible future incompatibilities between our current BIT and EU law.

I recommend that the Senate consider this Additional Protocol as soon as possible, and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, December 9, 2003.

TAXATION CONVENTION WITH JAPAN—TREATY DOC. 108-14

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect