My own profession is medicine. A good physician, must, I fundamentally believe, also be a very good scientist. I can tell you from my own experiences as a heart and lung transplant surgeon that without the revolutionary advances in medical science and in technology, my own transplant patients, heart and lung transplant patients of a decade ago, simply would not be alive today.

Indeed, we must reject an irrational fear of technological advance. But the secret of human dignity is living within limits. Those are ethical limits and they are moral limits. They are limits that do not hamper human advances but they preserve them and indeed they promote them.

We strongly support ethical stem cell research but we reject the cloning of human beings. Not only does human cloning experimentation of any kind offend the conscience, it is not medically necessary. As I have said on many occasions, there is no scientific basis to claim that human cloning experimentation is necessary for the long-term success or clinical application of stem cell research. If human beings are special, if human beings are truly sacred, then we must devote ourselves to a better world but we must not do evil to bring about good.

SAME-SEX MARRIAGE

Mr. FRIST. On another issue, and to the best of my knowledge ongoing now, the Massachusetts Legislature is wrestling with how to respond to their supreme court, which has made same-sex marriage the law of that State. Even if the Massachusetts Legislature is successful in passing the constitutional amendment to block same-sex marriage, it will not come before voters for ratification for another 2 years.

Beginning on May 17 of this year, Massachusetts will begin issuing marriage licenses to same-sex couples. Once these same-sex couples sue for recognition in their home States, the wildfire will truly begin. Same-sex marriage is likely to spread to all 50 States in the coming years. So regardless of what Massachusetts does today, it is becoming increasingly clear that Congress must act and must act soon. The Senate will begin working on the issue in the weeks ahead.

This is not a fight we sought, and it is a fight we do not particularly relish, but the courts have brought us to it, and the people of this country will respond. We will not let activist judges redefine marriage for our entire society.

We reject intolerance. We reject hatred. We must treat all our fellow citizens with kindness and with civility. But marriage should remain what it has always been in our Nation, and that is the union of a man and a woman.

It is my hope the Massachusetts legislature will act today.

MEDICARE

Mr. FRIST. Mr. President, there is one final issue that also is current that I want to take the opportunity to comment on because it is likely to be an issue that will be of interest and debated, and one people will be addressing over the coming days while we are on our recess.

Last year, President Bush and a bipartisan team of Senators and Representatives made good on our promise to strengthen and expand and improve Medicare for America's seniors. The bill, the Medicare Modernization Act of 2003, represents the most significant improvement to Medicare in two generations. And now, because of this historic action, we are starting to see impressive results.

We said reform would strengthen the program and increase choice and flexibility for our seniors. That is exactly what is happening. Medicare now gives more seniors access to more prescription drugs at a lower out-of-pocket cost. It provides seniors relief from the high cost of prescription drugs, especially the 12 million low-income seniors who need the help the most.

The improvements to Medicare provide seniors with choice and control over their own health care plans. The new bill also protects seniors who already have prescription drug coverage they earned in the workplace.

Educating seniors about improvements to the Medicare program and the new Medicare drug benefit is the right thing to do. It is also required by law. The law says seniors have the right to know how the prescription drug benefit is going to work and when they can start taking advantage of the new improvements to the program, such as the drug discount card.

Unfortunately, some of my colleagues are attempting to subvert this legal obligation. They are blocking our legally required educational efforts. Why? Because they are trying to keep seniors from finding out their rights. They fear that the more seniors learn about the new Medicare benefits, the more seniors will like what they see.

Not only are the Medicare opponents trying to keep seniors in the dark about their Medicare rights, these opponents are disparaging the education effort itself. But try as they may, they will not keep the truth under wraps.

This is the ad they do not want you to see.

It reads:

First senior: So how is Medicare changing?

The announcer: It is the same Medicare you have always counted on, plus more benefits like prescription drug coverage.

Senior No. 2: Can I keep my Medicare just how it is?

The announcer responds: Yes, you can always keep your same Medicare coverage.

Senior No. 3: Will I save on my medicines?

Announcer: You can save with Medicare drug discount cards this June and save more with prescription drug coverage in 2006.

Senior 4: So my Medicare isn't different, it is just more?

Announcer: Right. And you can learn more, call 1–800–MEDICARE.

That is it. That is the Medicare ad opponents are doing everything possible to keep off the air. They don't want seniors to know they are eligible to receive prescription drug coverage under Medicare, nor do they want seniors to know that starting in June, seniors will be able to carry a drug discount card. The opponents don't even want seniors to know the number to call to ask for help. Instead, they are putting politics before people.

They will not succeed. We will not allow election year politics to hurt America's seniors and individuals with disabilities. We will make sure every senior, every individual with a disability gets the information they need to make the very best choices they can for their health and for their life.

ORDERS FOR MONDAY, FEBRUARY 23, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Monday, February 23; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and Senator BREAUX then be recognized to deliver George Washington's Farewell Address, as provided under the previous order; provided that upon the conclusion of the address, the Senate then resume debate on the motion to proceed to Calendar No. 429, S. 2061, the medical malpractice bill.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, February 23, following Senator BREAUX's reading of George Washington's Farewell Address, the Senate will resume consideration of the motion to proceed to Calendar No. 429, S. 2061, the medical malpractice bill. There will be no rollcall votes on Monday, but Senators are encouraged to come to the floor to debate this important bill. The next rollcall vote will occur on Tuesday, February 24. That vote will be on the motion to invoke cloture on the motion to proceed to S. 2061, and the vote will occur at 5 p.m. on Tuesday.

I, too, want to take this opportunity to thank Chairman INHOFE and Senator JEFFORDS for their hard work in moving the highway bill to conclusion. I also thank the Democratic leadership, working with our leadership, working with the managers of this bill to move forward. It has been a long 2 weeks. It has been a challenging 2 weeks. I know the managers were able to work with many Members to accommodate a large number of amendments.

I wish everyone a safe President's Day recess.

ELECTIONS IN IRAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 304, submitted by Senator BROWNBACK today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 304) expressing the sense of the Senate that the United States should not support the February 20, 2004, elections in Iran, and that the United States should advocate a democratic government in Iran that will restore freedom to the Iranian people and will abandon terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas there is a long history of mutual affection, appreciation, and respect between the people of the United States and the people of Iran, including the incalculable efforts by the United States in providing humanitarian, financial, and technological assistance to help the people of Iran;

Whereas the people of Iran have shown support for decency and freedom, and solidarity with the United States, including the demonstration of such support through candlelight vigils attended by the youth of Iran in the wake of the September 11, 2001, attacks upon the United States;

Whereas the Council of Guardians is a 12-member unelected body, that has arbitrarily disqualified thousands of candidates, including sitting Members of the Parliament of Iran and members of the reformist movement;

Whereas the elections scheduled to be held on February 20, 2004, in Iran are fatally flawed;

Whereas the brave efforts of the people of Iran to promote greater democracy and respect for human rights are being thwarted by the actions of the Council of Guardians;

Whereas the blatant interference of the Council of Guardians in the electoral process ensures that the elections scheduled for February 20, 2004, will be neither free nor fair; and

Whereas the circumstances in Iran clearly call into serious question whether pro-democratic reform within the regime of Iran is possible: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should not support the elections in Iran scheduled to take place on February 20, 2004, as such elections stifle the growth of the democratic forces in Iran and do not serve the national security interest of the United States;

(2) the support provided by the United States to Iran should be provided to the people of Iran; and

(3) the policy of the United States should be to advocate a democratic government in Iran that will restore freedom to the people of Iran, will abandon terrorism, will protect human rights, and will live in peace and security with the international community.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 23, 2004

Mr. FRIST. Mr. President, that brings this week to a close. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res 361.

There being no objection, the Senate, at 8:49 p.m., adjourned until Monday, February 23, 2004, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 12, 2004:

NUCLEAR REGULATORY COMMISSION

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2008, VICE GRETA JOY DICUS, TERM EXPIRED.

DEPARTMENT OF STATE

MILES T. BIVINS, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

MARC MCGOWAN WALL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

RICHARD S. WILLIAMSON, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

THE JUDICIARY

WILLIAM DUANE BENTON, OF MISSOURI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE THEODORE MCMILLIAN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JASON K. KAMIYA, 0000

CONFIRMATION

Executive nomination confirmed by the Senate February 12, 2004:

DEPARTMENT OF THE TREASURY

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.