

He was assigned to the 1st Battalion, 41st Infantry Regiment, 1st Armored Division, Fort Riley, KS. He was from Moreno Valley, CA.

LCpl Juan C. Venegas, age 21, died April 7 as a result of a vehicle accident while conducting combat operations in Al Anbar Province. He was assigned 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, Venegas was attached to 2nd Marine Division. He was from Simi Valley, CA.

SPC Glenn J. Watkins, age 42, died April 5 in Baghdad when a vehicle-born improvised explosive device detonated near his military vehicle. He was assigned to the Army National Guard's 1st Battalion, 161st Infantry, Kent, WA. He was from Carlsbad, CA.

PFC Casey M. LaWare, age 19, died April 9 at Landstuhl Regional Medical Center in Germany from noncombat related injuries sustained April 6 in Al Mahmudiyah, Iraq. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA. He was from Redding, CA.

CPT James C. Edge, age 31, was killed April 14 by enemy small-arms fire while conducting combat operations in Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, Edge was attached to 2nd Marine Division, II Marine Expeditionary Force.

CPL Tyler J. Dickens, age 20, died April 12 at Brooke Army Medical Center in San Antonio, TX, of injuries sustained April 6 in Al Mahmudiyah, Iraq, when his guard tower caught fire. He was assigned to the Army's 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

CPL Kelly M. Cannan, age 21, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

LCpl Marty G. Mortenson, age 22, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

I pray for these young Americans and their families.

Mr. President, it is with a very heavy heart that I continue to report to the Senate on these young people, and not so young people, who are being killed in Iraq, it seems, almost every day. In this eulogy where I simply read the names and tell you how this happened, we have talked about people from the age of 19 to 51 years old. In this war, we have people of all ages because it is the

regular military and also Reserves and National Guard. We have a lot of people who are married with children. The loss is huge, regardless of age. Often, there are even more people who are affected when we have someone who is married with a family—not only the moms and dads but the spouses and the children and the broader community.

So I pray for these young Americans, may they rest in peace; and I pray for their families, may they heal. It is the ultimate act of bravery to answer the call of the Commander in Chief. It is the ultimate act of bravery. I was in Iraq last month, and the security challenges we face there are enormous. I don't have the time tonight to go into detail. It was a bipartisan trip of Senators, and each Senator had two guards at all times with machine guns, plus additional security all around us. We could not go on the main road from Baghdad Airport because of the lack of safety. We flew in Blackhawk helicopters with the greatest pilots in the world, with two machine guns looking out at all times. Every time we were anywhere on the ground, you could smell the danger. We were so well protected. Even in the General Assembly building, where you would think it would be very safe, they said it was the site of kidnappings.

Even in the Embassy compound, we heard that one of the military people killed there, LCDR Keith Taylor, died January 29 in a rocket attack on the U.S. Embassy in Baghdad. That is a highly protected and defended place. We sat there, and I noted the looks on the faces of the civilians sitting around—the fear, the anguish, the anxiety. I made a point of thanking them for their service. I know they want to build a democracy there. I noted how fearful and anxious they looked. I truly expected at least one of them to say: No, you are misreading it; that is not so. But they did not contradict it.

It is a very dangerous place. I think we all learned that through loss of that beautiful young woman, Marla Ruzicka, who is a true hero of her generation, if not the country. She was working in Iraq with a nonprofit organization she set up that actually was funded by this Senate, I am proud to say, to find the innocent victims of war, what we call collateral damage of war. Marla put a face on these little children and these grieving mothers and fathers.

She would go out into the homes of the Iraqi people—it is so dangerous to do that—with her blond hair flying. She would take the testimony, and then she would bring it back to the military who grew to trust Marla. Then, if it all checked out, these people would get some recompense to try and rebuild their lives.

It was a very moving funeral I went to with my family in Lakeport, CA. People came from all over the country and all over the world to honor Marla. I know Senator LEAHY, on our side, has taken the lead on this incredible pro-

gram. I hope to work with him and Members of both sides of the aisle to make sure that program continues.

Of course, we need to have a plan for success in Iraq, and my view is we do not have that right now. When we ask the people who brought us the war, namely the President, how long we are going to be there, he says: As long as it takes. I think we can do better. I think there are five or six things we can do. But, again, I do not have time to go into it tonight, and I have spoken about this at length before.

Clearly, training the Iraqis is key, and General Petraeus told us when we met with him that he is very high on the Iraqi troops. He thinks they are terrific. He thinks they can step in. There are 120,000 of them. This is good news. We ought to be able to begin to bring our troops home and replace them with the Iraqis.

I also met with the new leaders of the country, and I believe if we do not set some dates, they will forever rely on us. I do not think that is the way it should be. I really do not. They need to get on their own two feet, and we ought to help them—train these soldiers, train these police forces and bring our troops back.

It is not working out well for us over there. It is counterproductive right now. The CIA told us that when we visited. Indeed, the head of the CIA told us in hearings that it is fueling the insurgency. General Newbolt, who planned the original military victory in Iraq, told us the same. We need to have a goal of when we are going to leave because otherwise it is fueling discontent. The insurgency is so deep now. Different groups are coming every day taking "credit" for these horrible civilian deaths.

The status quo is not good there. I hope we can move forward with a plan for success. A lot of our people have given their lives and their limbs, thousands of them coming home without limbs, over 11,000 at this point. We need to stand with them and with their families and make sure we are there for them because they are suffering mightily.

They are brave, they are courageous, they will do whatever they are asked to do. They are extraordinary. We need to stand with them, regardless of whether we think this war was the best thing we ever did or the worst thing we ever did. That is secondary. We have to stand with them.

WELDON AMENDMENT

Mrs. BOXER. Mr. President, Senator FRIST was true to his word. He told me I could have a vote to repeal what I consider to be a very dangerous amendment that came into an appropriations bill without any hearings, without any discussions, without any votes, and I think could very well lead to a very dangerous situation for the women of our country.

I decided not to push the vote. It was too close to call. Some people said

there were 56 votes against us. That was not my count, but I knew that in order to win this vote I needed to talk with people individually at great length.

Why is that? Because this is one of the most confusing amendments that we have ever faced in the Senate. Just ask the people at HHS, who are trying to implement it. Just ask the people who filed suit. They say it is so vague and so broad that it could literally mean people coming into an emergency room, not getting served, and dying in an emergency room. This is what could happen.

I thank Senator FRIST for being true to his word, for giving me the opportunity, and I want to briefly explain what I plan to do about this Weldon amendment, with the help of my friends and colleagues.

Senator HARKIN and I plan to work across the aisle to modify this amendment so that it really is what it claims to be, a conscience clause. No one objects to conscience clauses. I support them. Conscience clauses are in the law. I am happy to clarify them, make sure anyone who has a moral objection to performing an abortion absolutely has every right not to have to do that.

I have talked at length with Senator HARKIN, and we are going to work with our colleagues. That means with Senator SPECTER and the other members of the Appropriations Committee so they understand the ramifications of this Weldon amendment, which I will go into in a minute.

Second, as I mentioned, there have been lawsuits filed challenging the constitutionality of the Weldon amendment. I believe the arguments are compelling. As I have said before—and we were proven right when other anti-choice amendments that were thrown out of court—I believe this one also will be thrown out. Because it cannot possibly be that any judge anywhere, regardless of whether he or she is liberal, conservative, moderate, Republican, Democrat, or anything else, would put women's lives in danger like this could do. So I feel very confident it will come out all right.

I am going to give a brief discussion on what I think the Weldon amendment means as it is now written.

Although the proponents of the Weldon amendment call it a conscience clause, nowhere in the amendment do we see the words "religion," "morals," "beliefs," or "values." It is masquerading as a conscience clause, but it really is not. I call it a denial clause because it will deny women emergency care when their lives are in danger, deny low-income rape victims reproductive health care, deny doctors the right to give their patients vital information, and deny States the ability to enforce critical laws ensuring the health of women.

The fact is, our hospitals and doctors already have a Federal conscience clause, it's called the 1973 Church Amendment. What Weldon does is dif-

ferent. It's a big loophole that allows anyone, including HMOs, to decide, for any reason, that they do not want any of their doctors not only not performing abortions but also telling a woman that it is a legal right for her, referring her, talking to her honestly about what her options are.

This amendment is giving a denial clause to an HMO which, by the way, I do not think they have a conscience, given the way many of them treat people. So we are giving the HMO, a corporation, a big denial clause—not the doctor, not the nurse but the corporation. So that means they can now gag doctors who work for them by telling them: You better not inform a woman about her rights because if you do, it is against the guidelines of this HMO.

Now, in this Weldon amendment, there is no exception for rape or incest. Imagine, there is no exception for rape and incest. So even if a woman comes in who has been brutally raped or the victim of incest, under this Weldon amendment, the hospital or the HMO could violate current law and say: So sorry about that, you are on your own. Now, this is America in 2005. Where is our conscience? Where are our moral values? Where are our family values if we pass an amendment like this, that would throw a woman out in the most dire of circumstances? It is just horrific.

And this goes against our Medicaid law. The Hyde amendment makes an exception for rape and incest if a woman is on Medicaid and if she is poor. HENRY HYDE and I talked about that quite a bit, and he supported that very much. First the exception was if one's life is at stake, they can get Medicaid help to end the pregnancy. Then it was rape and incest. There is no such exception in Weldon, and guess what happens. If the Medicaid law is enforced, states can now lose all of their Federal funds for education, labor, and health. This is just crazy. It makes no sense at all.

We believe that Weldon would allow a woman to die in an emergency room. There are very unbelievably tragic stories. Let us say a woman is in a car accident while she is in the early stages of her pregnancy. She is rushed into the emergency room, and she is losing blood. The only way to save her life is to terminate the pregnancy. Under Weldon, if the hospital says, I am sorry, we do not do that, she could just simply die waiting for help. This is what Weldon does. This is why I cannot believe a judge is going to allow it to continue.

So the Weldon amendment is drawn in such a way that all the laws we have—including the emergency room law ensuring a hospital takes measures to stabilize patients if their lives are endangered and the Medicaid law that allows a woman to get an abortion if she is raped or the victim of incest—are overridden by Weldon. Any State law that steps in to help guarantee reproductive services and referrals to

woman is overridden by Weldon. And if States enforce their own law to help a woman in a crisis, they can lose all of their Federal funds, not just their family planning funds but every dollar of their education money, their labor money, and their health money. We are talking about billions of dollars across the board.

We all know it is totally unconstitutional to gag a doctor. Every year the anti-choice people pass a Mexico City gag rule, which I am proud to say the Senate does not support, but the President does, and it always manages to survive. The gag rule is in effect abroad, but they cannot do it here. Why? Because in this country we have freedom of speech, and a gag cannot be put around a doctor's mouth and tell them they cannot let their patients know all of their options; that is unconstitutional. But here, under Weldon, an HMO can gag any doctor that works for it. So it is really completely outrageous.

In essence, we are going to have a whole series of laws overturned by the Weldon amendment. The odd thing is, if the backers of the Weldon amendment would come to the table and tell us all the things they want to do, we could have an honest debate. The trouble we have is that the people who support Weldon will say: All we have is a conscience clause. But that isn't the case.

We have letters from doctors, patients, States, and we have lawsuits that really unmask the true ramifications of Weldon. What we have is a provision that masquerades as a conscience clause when it is really a denial clause that would punish States. These are the people who I thought liked States rights.

Let us take the issue of hospital mergers. In the past, under current law, every State in the Union that I know of has the ability, when a hospital merges, to set conditions for those mergers. The attorneys general of those States have the right to put conditions on those mergers. Under Weldon, that's no longer possible if such conditions include making sure that in this merger a woman has still reproductive health care. So it is taking away the rights of States, and that is again why I believe we can fix this, because it is so dangerous in its current form.

We have this amendment masquerading as a conscience clause. But it is not a conscience clause, it is a denial clause because it will deny women the health care they need to live, to be helped and saved in an emergency. It will gag doctors. It will stop attorneys general in all of our States from carrying out their duties. A couple of States have sued on behalf of this. Many who must implement it have thrown their hands up. They do not know how to enforce it. It never had a hearing in the Senate. We never looked at it, and it passed as part of the appropriations bill.

Again, I thank Senator FRIST for living up to his commitment he made to me. I appreciate it. What we are going to do is continue to work to let everyone know how outrageous this law is, how far reaching this law is, how dangerous this law is to women, how it walks away from family values, from States rights, from anything decent when one says to a woman who has been raped or is the victim of incest that she is on her own. That is not what this country is about.

At some point, we are going to make sure that this Weldon amendment is either modified so it becomes what it says it is, which is a conscience clause that no one has an objection to, or is repealed.

How much more time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 23 minutes remaining.

JOHN BOLTON NOMINATION

Mrs. BOXER. Mr. President, I want to close on a couple of topics. The first one, because I sit on the Foreign Relations Committee, is the nomination of John Bolton to be our Ambassador to the United Nations. I do call on the President to rethink this nomination. Out of the thousands of strong, conservative Republicans who care about the world, there has to be somebody better than someone who has a pattern of not only abusing his staff, called a serial abuser by one witness, but also, and this is really threatening, trying to get them fired if they do not give him the information he wants.

I am talking about false information and reaching down from the very high level at which he has been to the bottom of another agency that he did not even have direct line control over and trying to force not one but two and maybe three intelligence analysts to paint a picture that he wanted to use so that he could present a country as an imminent threat to this Nation, which could have led to some serious ramifications. Of all the people to pick now, it should not be someone who would try to politicize intelligence gathering.

I received another letter on Friday, which I sent to both sides of the committee. I hope this will be looked at. It concerns a case where years ago John Bolton was trying to overturn a U.N. resolution—or have it modified—that dealt with infant formula in the developing nations. Some of my colleagues may remember that issue, where babies were dying throughout the developing world because they were mixing the baby formula with contaminated water, and the U.N. voted very strongly to stop distributing and selling that baby formula. According to this woman, who has a lot of credentials—an attorney who worked with John Bolton—she said that Bolton ordered her to contact these developing nations and tell them to back off and modify

this resolution so that Nestle Company and others could sell their product in the developing world. And this is interesting—conscience clause—she said: My conscience does not allow me to do this because if one baby died as a result of what I did, I could not live with myself. There is a conscience clause in the agency that says if somebody has a conscience problem when given an assignment, they do not have to do it. Well, Bolton said, if you do not do this, you are fired, and he fired her on the spot, according to her. She is going to go under oath and testify to this. Then he found out he could not fire her because she was protected by Civil Service. She comes back to work, and what do they find? Her entire office had been moved. Where is it moved? To the basement of the building. No telephone. A desk and a chair. She loved her job, and she eventually got a telephone down there and worked around John Bolton and stayed there doing her work.

This is yet another story. So we have a pattern of abusive behavior. Some of my friends on the other side of the aisle say, this is just the person we need for the U.N.—somebody tough. If you want someone in the U.N. who has a history of trying to change intelligence information—and now the world knows it.

As my ranking member JOE BIDEN has stated, this is the guy who may have to make the intelligence case against Iran. This is the guy who may have to make the intelligence case against North Korea with this background of using political pressure to get the kind of intelligence he wanted to build a case. This is not the right person. We do not want someone there who will politicize intelligence gathering. I don't think we want someone there who is such a hothead that it will turn a lot of people off.

We have testimony from multiple sources. At first, my friends on the other side of the committee said it is an isolated incident; you are talking about one incident. We have incident after incident.

Oh, he is just the person we need. We want someone tough. Tough is one thing. Tough and principled and committed is one thing. Abusing people is something else. A man is called a serial abuser by someone who has the credentials to know—e-mails back this up—trying to get people fired because they want to do their job.

It was so bad that Colin Powell, the Secretary of State, had to actually go and talk to all these “independent” analysts; his message was, don't you worry about it. You continue to do your work. I thank him for that. The testimony is clear. He went there and told those analysts, don't you be bullied. I am using those words. But the message he had was, don't you worry about it. Do your work. Do your job. It is very clear.

How refreshing it was to see Senator VOINOVICH, at the committee, listen to what Senator BIDEN, in particular, was

saying. They had the information, chapter and verse, proof of why this is not a good appointment.

I know the pressures that have come to bear on Senator VOINOVICH. It is not pleasant to be alone. I have been there. I know how it feels. But he is answering to his conscience. I think he did the Senate proud by doing that.

Now we hear other colleagues on the committee saying maybe they need more time and more information.

Again, this can all be avoided. There are so many other people who can do this job. I said before that John Bolton is very loyal to this conservative doctrine. There could be many positions for him in the administration. We need someone in the spirit of John Danforth—Republican, conservative, wonderful former Senator who went to the United Nations, who immediately had the support and the credibility and the respect.

In closing, I will talk about an issue I know the Presiding Officer has been very involved with, and that is the filibuster issue. As someone who once wanted to end a filibuster myself at an early stage, I now understand how foolish I was at that point. Why did I want it to end when I first came here as freshman? We had the majority and the Republicans were thwarting us. It was very frustrating. We wanted to fix everything. I voted to say this filibuster has to go.

Little did I realize that is the way the Senate is supposed to operate in a deliberative fashion. As one of the Founders said, the House is the cup. It gets hot. It is steaming. And when the issues get to the Senate, it is the saucer. They cool down. One of the ways to ensure that is to have extended debate.

FILIBUSTER

Mrs. BOXER. Mr. President, there has been so much misinformation on the filibuster I want to make sure I put my thoughts into the record. We hear Republican Senators actually get up and say they never filibustered any judges. I was stunned, so we went back into history and we have a chart for that.

The first filibuster in modern times was started by the Republicans in 1968 against Abe Fortas for the Supreme Court. We know there have been 11 in recent times, 11 filibusters. Here is one in 1971, probably started by the Democrats, William Rehnquist to be a Supreme Court justice. Here is one in 1980, probably started by the Republicans, Stephen Breyer, to be a judge on the First Circuit Court of Appeals. Then in 1984 Harvie Wilkinson, Fourth Circuit Court of Appeals. In 1986, Sydney Fitzwater, to be a judge for the Northern District of Texas. 1992, Edward Earle Carnes to be judge on the Eleventh Circuit. 1994, Lee Sarokin to be a judge on the Third Circuit Court of Appeals. In 1999, Brian Theodore Stewart, to be a judge for the District