

after a visionary, talented American hero.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PRISONERS OF WAR RESOLUTION

Mr. NELSON of Florida. Madam President, it is my understanding that the sponsors of the resolution on the POWs are on their way to the Chamber. I just left Senator WARNER in a briefing with the Secretary of Defense. I wish to speak before the sponsors arrive on the subject of the POW resolution.

There are two POWs from Florida. Those whom we suspect are POWs are the ones who were interviewed on Al-Jazeera television, who were captured at about the time that PFC Jessica Lynch was captured. Of course, that was such a wonderfully successful mission of finding and retrieving her. The entire world has rejoiced at her return. From my State, one of the unaccounted whom we think is a POW is Private Williams from Orlando, FL.

Naturally, I will lend my support to this resolution which is most important not only to express our concern, but to express and demand that these prisoners of war be treated according to the Geneva Convention, which means that under the rules of war we treat prisoners of war humanely.

The conviction that arises in my voice comes from another POW in Iraq of 12 years from Jacksonville, FL, CAPT Scott Speicher. Our Defense Department made a mistake and initially declared him dead. On the first night of the gulf war 12 years ago, his F-18 was shot down, and we left a downed pilot. There were a series of mistakes. He was declared dead when there was not the evidence that he was dead.

When we repatriated the POWs in a POW exchange with Iraq, we did not even ask for him because at the time, through mistakes, they did not think he was a POW. They sent back surveillance assets to look at the crash site. They gave them the wrong coordinates, so they did not see the wreckage. It was not until some 5 years later that a Qatar hunting party found the wreckage of his jet.

Once that happened, we started making more inquiries. The American press got into it. Lo and behold, years later, the Defense Department finally admitted some of its mistakes and changed his status from killed in action to missing in action. Then just last fall, thanks to the Secretary of the Navy, they changed his status from missing in action to missing captured, which is the status for a POW.

The Defense Department says they do not know that he is alive. Madam

President, I can tell you that Senator ROBERTS, who has been joined at the hip with me on this matter because the Speicher family was originally from Kansas and now lives in Florida, and I believe, through the information we have received, that he is alive.

It has been published that we have a special team that is now going into Iraq to look for him. What a great day it will be for America if we bring home this American pilot who we walked away from and who has been gone for 12 years.

Of course, we can imagine what has happened to his family, his minor children first being told their father was dead, and now having hope that he might be alive. It is a tragedy of gargantuan proportions. It is a tragedy that is borne out of the fog of war. It is a tragedy of bureaucratic ineptness and bureaucratic footdragging, but we can make that right by finding him.

Of course, the possibility is that in the ensuing melee, he might be used. It is our hope that we will resolve the fate of CAPT Scott Speicher, and it is my prayer, and the prayer of Americans all over this country, that he can be brought home and that he will be alive.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EXPRESSING OUTRAGE AT TREATMENT OF CERTAIN AMERICAN PRISONERS OF WAR BY IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 31. The clerk will report the title. The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 1 hour of debate evenly divided on the resolution.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this resolution reads in part in the whereas clauses that Saddam Hussein has failed to comply with United Nations Security Council resolutions, and we enumerate a series of resolutions that the military action now underway against Iraq is lawful and fully authorized by the Congress in section 38 of Public Law 107-243, which passed the Senate on October 10, 2002, by a vote of 77 to 23 and which passed the House of Representatives on that same day by a vote of 296 to 33.

The whereas clauses, which will be printed in the RECORD, are numerous but very important, each and every one of them. I shall not go through them all, but they are:

*Resolved by the Senate*, with the House of Representatives concurring, that Congress express its outrage at the flagrant violations by the Government of Iraq of the customary international law and the Geneva Convention relative to the treatment of prisoners of war dated August 12, 1949, and entered into force October 21, 1950;

*Further resolved*, with the Senate supporting, in the strongest terms, the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

*Further*, expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War which afford prisoners of war the proper and humane treatment they are entitled.

And lastly:

Expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

Throughout today, the Senate has had a series of briefings from senior representatives from the Departments of Defense and State and over 50 Senators attended a briefing given by the Secretary of Defense, Mr. Rumsfeld, accompanied by the Chairman of the Joint Chiefs, Richard Myers.

So far as we know, to date, none of the requirements of international law have yet been met by—I say the Government of Iraq, as the resolution does—Saddam Hussein's regime.

Prisoners of war have always been a subject that is very important to the Congress of the United States. Just down this hallway in the historic Rotunda, capped by the dome which is seen throughout the Nation's Capitol, and which is viewed throughout the world as a symbol of liberty—beneath the Capitol dome hangs that flag. It has been there ever since I was privileged to join this institution, and this is my 25th year, a quarter of a century. It is there because of the constant feeling of the Congress for the unaccounted-for prisoners of war and our compassion for the families and the loved ones they leave behind. I just want all America to know how important POWs are to this institution.

The distinguished majority leader, Mr. FRIST, the distinguished Democratic leader, Mr. DASCHLE, Mr. SANTORUM, Mr. STEVENS, Mr. INOUE, Mr. MCCAIN, myself, and others working very carefully—Senator LUGAR joined us—put together, in very simple language, the expressions of this body of our concern for those unaccounted for in this war.

Today, I think our hearts were somewhat lifted, generally speaking, by the reports we received about the progress of the war to date. We watched, with the embedded journalists, as they are referred to, who risked their own lives and safety—a number having been lost

of recent days—to get the pictures, real time, so the world could see the statue of Saddam Hussein being dragged down to Earth, an act made possible by brave men and women of the coalition of forces fighting at this very moment in Iraq.

It was a historic moment today. For those of us who have had the opportunity to share in history, it brought back memories of the Berlin Wall. It brought back the memories of the American School, stories of when the Bastille fell and the prisoners were released.

A picture is worth a thousand words. Indeed, this was worth tens upon tens of thousands of words as the world witnessed.

Our President from the very first characterized this conflict as a war of liberation, a war where the coalition of the willing nations, primarily the United States, Great Britain, Poland, Australia—others that have contributed forces—a coalition of the willing to liberate the people of Iraq. We looked into the faces of many of those people today and shared with the world their joy—today in Baghdad; a day or two ago, Basra and elsewhere.

We were reminded just a few minutes ago by the Secretary of Defense and the Chairman of the Joint Chiefs that it is not over. Much could remain to be done. Our forces are committed. Our forces are in place. The sacrifices could once again result from the commitment of these brave young men and women of the Armed Forces of the United States. We are witnessing true liberation of an oppressed people, as our President, George Bush, said it would be.

It is important to remember that this moment could not have arrived without the bravery and professionalism and sacrifices of our young men and women in uniform. Those of us who have had the privilege of wearing that uniform in years past—and in a very modest way I have had that opportunity, together with many Members of this Chamber—I do not think we can recall a contemporary chapter in our lifetimes where we have seen a greater degree of professionalism, commitment, and bravery than by these troops. There were troops on the ground, troops in the air, sailors at sea—the precision with which the airmen have dropped their ordnance, often taking risks to protect as best we can in war the innocent people of this Nation of Iraq.

From the very onset we have made it clear we are not waging this conflict against those people. It is for those people and for their liberation. We must also acknowledge the exceptional professionalism, military professionalism of those who drew up this plan. There was none quite like it in the annals of military history. It had bold features, which historians will study for years to come. But Secretary Rumsfeld and General Tommy Franks, the CENTCOM commander, and others

put it together. There were periods when some—not this Senator but some—questioned whether it was properly drawn up. But now I think without a doubt in the minds of any reasonable people, that plan is working well. It will continue to work well. It will fulfill the goals for which this conflict, by necessity of the failure of diplomacy, was initiated.

It is also important to remain cautious and vigilant. We were reminded of that again in the past hour by the Secretary and the General. Much remains to be done to stabilize a precarious security situation and restore order so that humanitarian and reconstruction efforts, which are really now underway, can grow in intensity and embrace, I hope, the contributions of many nations, not just the coalition of the willing but others who are willing to help these people.

Regrettably, more lives may be lost before we can be sure that freedom has been secured and the Saddam Hussein regime has no vestige of control for now and forevermore, so we can pursue, in relative security, fulfilling the goals for which we set out—to free these people and enable them to establish their own government, hopefully through a voting process, and elect their own representatives as quickly as possible.

As we have an uplifting of hearts and minds over the signs of what could be the beginning of the end of this conflict, we mourn for those we lost and renew our pledge to leave no one behind. There are still service men and women missing or captive, and we are making every effort to recover them. I particularly note CDR Scott Speicher, U.S. Navy. The Secretary just reaffirmed reports that we had heard a special team has been sent in to rescue this aviator who was among the very first who fell in the line of duty. Hopefully, he is alive and one day he can be repatriated to his family and the Navy which he loves so much.

The manner in which we have seen the Iraqi regime treat our people has been outrageous, unacceptable by any reasonable standard, by any interpretation of international law, by any understanding of common decency.

The resolution we consider today expresses the concerns of the Senate about this treatment and demands that they be treated humanely, as all civilized nations have agreed to do. To those who have witnessed the mistreatment or participated in the mistreatment of these brave men and women, we pledge that they will be held accountable.

The fact that there may be no longer a Government of Iraq is of no consequence. Those responsible for violating the rights of our service men and women will be held accountable. No matter where they are, we will eventually find them and hold them accountable.

It is noteworthy that we consider this resolution today not only because of the apparent increase in freedom for

the people of Baghdad and the symbolic end of this oppressive regime but because President Bush has declared this day “National Former POW Recognition Day.”

As we recall the service of those national heroes who gave so much in defense of our country, we also must think of our men and women still in captivity: We will not forget you. We will work for your fair treatment. We will tirelessly endeavor for your safe and speedy return. We will care for your families. We will leave no one behind.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FORMER PRISONER OF WAR  
RECOGNITION DAY, 2003

Americas former Prisoners of War are national heroes whose service to our country will never be forgotten. These brave men and women who fought for America and endured cruelties and deprivation as prisoners of war helped to protect our Nation, liberated millions of people from the threats of tyranny and terror, and advanced the cause of freedom worldwide.

This year, our Nation commemorates the 50th anniversary of the signing of the armistice to end armed conflict in the Korean War. We remember Operation Little Switch, conducted April through May 1953, that freed 149 American POWs, and Operation Big Switch, conducted August through September 1953, which returned 3,597 Americans to our country. Finally, Operation Glory, conducted July through November 1954, was responsible for the return of the remains of 2,944 Americans from North Korea. During this observance, we also recognize and honor the more than 8,100 Americans still unaccounted for from the Korean War.

This year also marks the 30th anniversary of Operation Homecoming, in which 591 American POWs from Vietnam were returned. We also recognize and honor those Americans still unaccounted for from the Vietnam War.

All of these individuals are to be honored for their strength of character and for the difficulties they and their families endured. From World War II, the Korean War, and Vietnam, to the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our Nation, and free the oppressed. By answering the call of duty and risking their lives to protect others, these proud Patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world.

As we honor our former POWs, we are reminded of our current POWs, captured in Operation Iraqi Freedom. We will work to secure their freedom, and we pray for their speedy and safe return. These brave men and women in uniform follow in the footsteps of these former POWs who placed country above self to advance peace in a troubled world.

Now therefore, I GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2003, as National Former Prisoner of War Recognition Day. I call upon all the people of the United States to join me in remembering former American prisoners of war by honoring the memory of

their sacrifices and in praying for the safe return of our POWs. I also call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

GEORGE W. BUSH.

Mr. LIEBERMAN. Mr. President, the progress in Iraq has been stunning. The war is not over, but it is within sight. I think we can safely say this looks like the beginning of the end. Saddam Hussein, that brutal and murderous dictator, is nowhere to be seen. Baghdad has been reclaimed, and the Iraqi people are being liberated.

But let us not for a moment forget the service and sacrifice of our brave and brilliant men and women in uniform, which brought us to this day. And let us not for a moment forget that in the midst of all this, while the Iraqi people are being freed, men and women of the American military remain prisoners—prisoners of the remnants of Saddam's brutal regime.

We all recall the heroic rescue of PFC Jessica Lynch last week. One soldier rescued, and so much joy. But that joy and the rush of events in Iraq cannot overshadow the danger that continues to face others like her who were not so fortunate to be saved from captivity.

We cannot and we shall not forget any missing American or POW, not for a moment. And, whether this regime is dying or dead, we cannot and will not allow the brutal treatment of American prisoners at the hands of Saddam's regime to unchallenged.

One way to do that, is to have the American Government speak with a strong and unified voice against this abhorrent behavior.

That is precisely what the resolution before us, S. Con. Res. 31, does. It expresses support for our troops reaffirms the international standards that have bound and will continue to bind the U.S. military in our treatment of Iraqi prisoners, makes clear the outrage of this Congress at Iraq's appalling and criminal treatment of American prisoners of war, and commits us, as a nation, to follow through and hold those who commit crimes against our soldiers accountable for their actions.

My colleague from Virginia and I offer this resolution proudly, for those Americans in captivity and those who may fall into captivity from this day forward. I am sure that I speak for both of us when I say that we are deeply gratified that our colleagues from Alaska and Hawaii, Senator STEVENS and Senator INOUE—two honorable men whose contributions to this Nation on the battlefield are well-known—have joined us in cosponsoring this resolution. I further wish to thank Senator FRIST, our majority leader, and my good friend, Senator TOM DASCHLE, the Democratic leader, for their support.

This is not a partisan issue. It is not a question of politics. This is a matter of honor. And honor is something clearly lacking in the Iraqi regime.

The insulting and humiliating manner in which American prisoners of war have been publicly paraded and interrogated on state television is bad enough. To have members of the American Armed Forces allegedly executed in public—shot in the back of the head—is reprehensible. To have their bodies publicly displayed on state television was inhumane sacrilege.

I have been appalled—and I know I am not alone—by the flagrant violations of the rules of warfare and the Geneva Convention that we have witnessed these past weeks.

It is a violation of the Geneva Convention and the customary rules of war to mistreat prisoners of war. If the detailed legal terms are too much for Iraq's rulers, let me put it simply. You don't shoot prisoners. You don't torture them. You protect them. You treat them with decency as enemies in combat but fellow human beings.

But I am not surprised at what Saddam's henchmen are doing. For anyone who has yet to be convinced of the evil and tyrannical nature of Saddam's regime, I cannot imagine what greater proof is needed than the conduct of this regime in this conflict.

During the course of this war, which is hopefully now drawing to a close, Saddam has once again proven himself to be every bit as barbarous, every bit as cruel, and—yes—every bit as evil as we knew him to be.

Saddam and his son, Uday, have inserted members of the Fedayeen into the regular army in order to force soldiers and conscripts to fight, under the threat of murder or torture. They have sent those same Fedayeen into the villages and streets of Iraq, intimidating and terrorizing innocent civilians. These disgraceful thugs have been reported to have turned their guns on innocent Iraqi civilians—their own people—attempting to leave Basra.

The list goes on and on. Last week, paramilitary troops hid in the Ali Mosque in Kut, and opened fire on coalition forces—hoping that we would respond, and fire upon one of the holiest shrines in Shi'a Islam. I am pleased to note, that our troops showed restraint. Respect. They did not respond to the provocations.

That is honor. That is the understanding that even in war there are norms and there are rules. There is a difference between right and wrong. That is why the Coalition forces are providing prisoners of war with food and water. We have given the Red Cross free and open access. We do not believe that the crimes and inhumanity of Saddam's regime naturally extend to every member of his military.

We have especially sought to spare civilian life. It is a painful reality of war that civilian lives are lost in conflict. But the precision with which our

military operates, the care we take to avoid civilian casualties, is unparalleled in the history of armed conflict. It has been said that the United States is more concerned about the safety and welfare of Iraqi civilians than the Iraqi Government. That is sadly, true.

Let me say again. This is—and I hope I can change the verb tense soon to “has been”—a just and necessary war against a dangerous dictator. Coalition forces have fought with honor, with nobility, and with morality.

Our attempts to avoid civilian casualties, however, have been made more difficult by the Iraqi regime's adoption of terrorist tactics: Weapons hidden in hospitals, anti-chemical warfare suits and antidotes secreted in schools, troops hidden in civilian clothing who surrender, only to shoot our troops in the back.

The Iraqi regime has officially sanctioned the use of suicide bombings against our soldiers—adopting a tactic they have seen used with what they would call success against innocent civilians in Israel.

All this made clear that in Iraq we were not fighting, are not fighting, a separate war from the war against terrorism. Some say Saddam and bin Laden have different ideologies, different ambitions. But they share the same inhumane tactics, the same hatred for all who are different, the same fear of freedom, the same brutality and cruelty.

The resolution that we offer today cannot adequately convey our shock and disgust at the manner in which Saddam's regime has acted because there are not sufficient words to do so. But it is a clear statement of anger and of principle, and a clear statement of our intent to hold all those who commit war crimes accountable.

There should be no mistake. America does not simply speak about the rules of war. We live by them. And we do not merely condemn atrocities. We, as a Nation, will find those responsible and make them pay.

This is only a resolution. It cannot do what those Marines and Special Forces did in rescuing an American POW any more than a yellow ribbon tied around a lamppost or a tree. But it is an appropriate expression of our values, of our resolve, and a statement of our solidarity with those who risk their lives half a world away to secure our freedom.

I urge my colleagues to support this resolution.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the world is now well aware of the story surrounding PFC Jessica Lynch, the young soldier from Palestine, WV, who was taken prisoner by the Iraqi military on March 23. She is now recovering from her captivity at a military

hospital in Germany. While we regard with awe the reports of her courage at the time of her capture, as well as the daring of the troops who carried out her rescue from that hospital deep in Iraq, our Nation cannot forget that there are others who have been captured or who have gone missing during this war. The Pentagon reports that seven Americans remain in Iraqi hands, and that eight of our troops remain missing.

These troops deserve to be treated with dignity and respect. The resolution before the Senate, which will shortly be voted on, is right to point out that the Government of Iraq, even in the waning days of its authority, is obligated under the Geneva Convention and customary international law to give humane treatment for our captured troops and protect them against acts of violence or intimidation and against insults and public curiosity.

The resolution makes a clear and commendable statement about how we expect our prisoners of war to be treated by Iraq. I think it is unfortunate that the resolution raises political issues about the policies that brought us to war in the Persian Gulf. Like two previous resolutions passed by the Senate, the preamble to this resolution, as it will be amended, will contain a clause which states, in part, "Whereas, the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec. 3(a) of Public Law 107-243."

I do not concede that this war is lawful. I do not concede that it has been fully authorized by Congress. The Constitution clearly states that Congress shall have the power to declare war. That is one of the powers that Congress should not have the power to delegate to any President, which is exactly what Congress attempted to do in the use of force resolution passed by the Senate on October 11, 2002, which I voted against, and which I am proud I voted against. Allowing a President, whether Democrat or Republican, to exercise powers that are intended to reside only with the legislative branch is the surest way to upset the careful system of checks and balances that was designed by the Framers of the Constitution.

It appears that Baghdad is now falling under the control of U.S. forces. It is my sincere hope that the war can soon be brought to its conclusion, but the cessation of hostilities may still be some time away. We do our captured and missing service men and women no favors by glossing over the realities of this war. I hope that the 15 service members who are now captured or missing will be able to return to the safety of their homes and the love of their families. And it is in this vein that I will vote for the resolution.

Mr. President, I yield the floor.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SMITH. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote on adoption of S. Con. Res. 31, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 106, Dee Drell, to be U.S. District Judge for the Western District of Louisiana; provided further, that following that vote, the Senate proceed to a vote on Calendar No. 107, Richard Bennett, to be U.S. District Judge for the District of Maryland; finally, I ask consent that following those votes, the President be immediately notified of the Senate's action.

Also, I ask unanimous consent that all time be yielded back on S. Con. Res. 31 and that the vote occur immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of S. Con. Res. 31.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—99

Akaka	Craig	Johnson
Alexander	Crapo	Kennedy
Allard	Daschle	Kerry
Allen	Dayton	Kohl
Baucus	DeWine	Kyl
Bayh	Dodd	Landrieu
Bennett	Dole	Lautenberg
Biden	Domenici	Leahy
Bingaman	Dorgan	Levin
Bond	Durbin	Lieberman
Boxer	Edwards	Lincoln
Breaux	Ensign	Lott
Brownback	Enzi	Lugar
Bunning	Feingold	McCain
Burns	Feinstein	McConnell
Byrd	Fitzgerald	Mikulski
Campbell	Frist	Miller
Cantwell	Graham (FL)	Murkowski
Carper	Graham (SC)	Murray
Chafee	Grassley	Nelson (FL)
Chambliss	Gregg	Nelson (NE)
Clinton	Hagel	Nickles
Cochran	Hatch	Pryor
Coleman	Hollings	Reed
Collins	Hutchison	Reid
Conrad	Inhofe	Roberts
Cornyn	Inouye	Rockefeller
Corzine	Jeffords	Santorum

Sarbanes	Snowe	Talent
Schumer	Specter	Thomas
Sessions	Stabenow	Volinovich
Shelby	Stevens	Warner
Smith	Sununu	Wyden

NOT VOTING—1

Harkin

The resolution (S. Con. Res. 31) was agreed to.

The amendment (No. 528) to the preamble was agreed to, as follows:

In the preamble strike the first 6 whereas clauses, and insert:

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec. 3(a) of Public Law 107-243, which passed the Senate on October 11, 2002, by a vote of 77-23, and which passed the House of Representatives on that same date by a vote of 296-133;

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. Con. Res. 31, as amended and adopted was passed as follows:

S. CON. RES. 31

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in section 3(a) of Public Law 107-243, which passed the Senate on October 11, 2002, by a vote of 77-23, and which passed the House of Representatives on that same date by a vote of 296-133;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiriyah, demonstrating, as the President said on March 26, 2003, that "in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners";

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950 ("the Geneva Convention");

Whereas the Geneva Convention requires that "[p]risoners of war must at all times be humanely treated" and specifically "must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity";

Whereas the Geneva Convention stipulates that "[p]risoners of war are entitled in all circumstances to respect for their persons and their honour" and that "[w]omen shall be treated with all the regard due to their sex";

Whereas the Geneva Convention declares that the detaining power is responsible for

the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) expresses its outrage at the flagrant violations by the Government of Iraq of the customary international law of war and the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950;

(2) supports in the strongest terms the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

(3) expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War, which afford prisoners of war the proper and humane treatment to which they are entitled; and

(4) expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

The PRESIDING OFFICER (Ms. COLLINS). The motion to reconsider is laid upon the table.

EXECUTIVE SESSION

NOMINATION OF DEE D. DRELL TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I ask unanimous consent that the next two votes be 10 minutes in duration.

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

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order at this point to request the yeas and nays for both nominees; that is, Dee Drell and Richard Bennett.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays at this time? Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on both nominees.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Dee D. Drell, of Louisiana, to be United States District Judge for the Western

District of Louisiana. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—99

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Hatch	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchison	Schumer
Chambliss	Inhofe	Sessions
Clinton	Inouye	Shelby
Cochran	Jeffords	Smith
Coleman	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden

NOT VOTING—1

Harkin

The nomination was confirmed.

NOMINATION OF RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MARYLAND

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to consider Executive Calendar No. 107, which the clerk will report.

The legislative clerk read the nomination of Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard D. Bennett, of Maryland, to be a United States District Judge for the District of Maryland? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—99

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Hatch	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchison	Schumer
Chambliss	Inhofe	Sessions
Clinton	Inouye	Shelby
Cochran	Jeffords	Smith
Coleman	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden

NOT VOTING—1

Harkin

The nomination was confirmed.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's actions on these nominations.

Mr. HATCH. Madam President, I am pleased today to speak in support of Dee Dodson Drell, who has been nominated to the United States District Court for the Western District of Louisiana, Alexandria Division.

Mr. Drell began his legal career with the U.S. Army Judge Advocate General's Corp upon graduation from Tulane University School of Law in 1971. He began his tour of duty as a defense counsel for courts martial, handling both misdemeanor and felony-level cases. He next moved to the position of prosecutor, during which time he was named Chief of Military Justice. He remained in that position until he completed his military service in 1975, after which he entered private practice.

Mr. Drell then joined the law firm of Gravel, Roy & Burnes. His practice focused primarily on personal injury, criminal defense and general civil litigation. In 1981, Drell joined the law firm of Gold, Weems, Bruser, Sues & Rundell, where he is currently a member and director. His primary areas of practice are insurance defense, contracts, employment law, health benefits and civil litigation.

Mr. Dell has a strong commitment to *pro bono* work that extends beyond his regular law practice. It includes work with organizations that provide services to people suffering from AIDS and AIDS-related illnesses. He provides legal services as a volunteer counselor for Central Louisiana AIDS Support