

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2863.

The SPEAKER pro tempore (Mr. CAMP of Michigan). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO GO TO CONFERENCE
ON H.R. 2863, DEPARTMENT OF
DEFENSE APPROPRIATIONS ACT,
2006

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill. The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Murtha moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2863 be instructed to agree to the provisions contained in—

(1) section 8154 of the Senate amendment, relating to uniform standards for the interrogation of persons under the detention of the Department of Defense; and

(2) section 8155 of the Senate amendment, relating to prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. The words "torture," "cruelty" and "abuse" elicit images of draconian and brutal dictatorship. These words are reserved for the worst of human rights offenders. It should never include the United States of America.

The United States of America and the values we reflect abhor human rights violators and uphold human rights. No circumstance whatsoever justifies torture. No emergencies, no state of war, no level of political instability.

According to Secretary Powell, in his letter to Senator McCain in support of the Senator's amendment, "The troops need to hear from Congress, which has an obligation to speak to such matters under Article I, Section 8 of the Constitution."

We have irrefutable evidence of widespread use of unlawful interrogation techniques by American interrogators at Abu Ghraib and other locations. This has been absolutely disastrous to our credibility and our reputation as a Nation that was built on the sanctity of individual rights.

We have a legal and moral and ethical obligation to uphold the values of the Geneva Convention and the United Nations Convention Against Torture.

Furthermore, torture, cruelty and abuse are not effective methods of interrogation. Torture may not yield reliable actionable information and can lead to false confessions. And we have an example of that not long ago, prior to the war.

Torture may not yield information quickly. Torture does not advance our goals. It does not help us win the hearts and minds of people it is used against. It did not aid the cause of the Soviets in Afghanistan and the French in Algeria.

Torture has a corrupting effect on the perpetrators. It has rarely been confined to narrow conditions. Once used and condoned, it easily becomes widespread. The same practices found their way from Guantanamo to Afghanistan to Iraq.

Torture is not only used against the guilty; it often leads to unintentional abuse of the innocent. We cannot torture and still retain the moral high ground.

Torture endangers U.S. service members who might be captured by the enemy. Torture brings discredit upon the United States.

There can be no waiver for the use of torture. No torture and no exceptions.

Gray areas in rules, lack of direction, training and supervision from superiors, lack of standards and clear guidelines from leaders are dangerous and led to the abuse at Abu Ghraib and other locations. During times of war, clear guidelines governing the treatment of prisoners is imperative, especially when due to the lack of manpower, people are put in jobs with little or no experience or people are put in jobs that are not appropriate. The alleged ring leader at Abu Ghraib had a history of domestic abuse and therefore, by law, could not carry a firearm in the United States. Yet, he was a prison guard at Abu Ghraib, and he was not suited for handling prisoners.

It is now evident that abuse of prisoners took place because of lack of supervision, that our troops were given ambiguous instructions which, in some cases, authorized treatment that went beyond what was allowed in the Army Field Manual.

The definition of abusive treatment cannot be a matter of subjectivity and ambiguity.

The administration confused matters further by declaring that U.S. personnel are not bound by the Geneva Convention when interrogating non-U.S. citizens on foreign soil.

Gross inconsistencies resulted: We followed the spirit of the Geneva Con-

vention in Afghanistan, the letter of the Geneva Convention in Iraq. We had one set of rules for the prisoners of war, another for the enemy combatants; one set for Guantanamo, another for Iraq; one for the military, one for the CIA who were at times operating under the same roof.

America does have clear guidelines as set forth in the Army Field Manual. A number of those who were involved told me they would ask their superiors and lawyers, do you think this was torture? Do you think we violated the Geneva Convention? The answers they got differed, as if something this important was a matter of opinion.

In the case of one of these people, Captain Fishback, I believe he thought some of the troops clearly violated the Geneva Convention but that the administration and Congress knew, "as if there was a special hand shake." In other words, when he came to see me, he thought we had something to do with this. He said they were not clear, and they thought that we were just winking at the regulations. And this is dangerous. We cannot tolerate a practice of saying one thing and doing another.

Using the argument terrorists do much worse, that al Qaeda does much worse is a horrifying rationale. As Captain Fishback argues, "since when did al Qaeda become any type of standard by which we measure the morality of the United States?" And that is a quote from Captain Fishback.

Captain Fishback wrote to Senator McCain, "If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of that idea that is America." And Captain Fishback was in Afghanistan for 18 months and in Iraq.

We cannot protect freedom abroad or at home while degrading our society and its political and legal systems. We cannot do it while trampling all over the values which have made this country strong, which define us all as Americans. These values do not belong to any party. They are not Democrat or Republican. They are American values.

We cannot allow our Nation's moral and ethical standards to drift away from the Constitution. Congress is obligated to speak out. Congress cannot give its power to the Executive Branch. Congress is the people's branch.

Thomas Jefferson said in 1814, "How necessary was the care of the Creator in making the moral principle so much a part of our constitution so that no errors of reasoning or speculation might lead us astray from its observance in practice."

He also said, "Moral duties [are] as obligatory on nations as on individuals."

And I have to say this. War is about killing. For those sent to fight an enemy, that killing will stay with them for the rest of their lives. It is in

the faces of friends lost, in the shadows the soldiers feel on their souls for having killed. This is the nature of war.

But when torture becomes a part of war, when torture is condoned, if we allow torture in any form, we abandon our honor and the last shred of humanity. Visions of abuse and torture chill our conscience and sear our souls. Torture scars not only its subject; it scars those who perpetrate it and those who are witnesses to it.

Most military leaders know that allowing torture subjects our servicemembers to similar acts if captured. We in Congress must never forget this because we are charged with sending our sons and daughters into battle. This responsibility is doubly heavy today when America is living in a time of great uncertainty and two wars.

In the case of Iraq, we are unsure of the war's rationale and where it will lead us. In the war against terror, we are still struggling to fathom our enemy and are troubled by his tactics.

It is all that more important now that we remember that America stands for the honor of those we have sent to fight this war.

This amendment would restore our credibility, honors our war fighters and affirms the value of this great country, the values that belong to the United States of America.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think that it is important that we make it very clear that we are opposed to the use of torture, period. As a matter of fact, the basic law of the land already says that we are opposed to torture. And so I have no problem with the gentleman's motion as it relates to that issue.

But I must tell you that, Mr. Speaker, I am really offended by a provision in this amendment that we are talking about that guarantees to terrorists, and understand who those terrorists are, that guarantees to terrorists the same rights under the Constitution of the United States that our law-abiding constituents enjoy. That offends me. And I just do not think that we ought to be giving a terrorist the same protection of our Constitution that you and I have. Not just part of our Constitution, not just one or two amendments or two articles or sections, the entire Constitution would apply to those terrorists. So that does offend me. But I understand that the President's office is in serious negotiations with Senator MCCAIN, and we hope that a reasonable agreement on this issue will be reached so that we can get on with this important Defense Appropriations bill that we in the House passed 6 months ago.

Mrs. TAUSCHER. Mr. Speaker, I am proud to rise in strong support of my friend and colleague Representative JACK MURTHA's motion to instruct conferees on the defense appropriations bill.

Mr. MURTHA's effort would retain vital language prohibiting torture of prisoners in U.S. custody wherever they may be held.

Mr. MURTHA's motion would ensure that the final version of the defense bill contains vital language offered by Senator JOHN MCCAIN and by Congresswoman JANE HARMAN and myself here in the House.

The McCain amendment would prohibit the Defense Department from using any interrogation practices other than those listed in the Army Field Manual on Intelligence and Interrogation, and would reinforce the long-standing ban on the Federal Government engaging in cruel, inhuman, and degrading treatment throughout the world.

Such clarity in treatment of detainees is vitally needed as continuing revelations of abuse of prisoners in our custody damages the reputation of our Armed Forces abroad, undermines the trust of our allies, and threatens the lives of U. S. service men and women who might be captured by the enemy.

In addition to providing guidance to our troops, this language, by forbidding abuse wherever it may occur, gets at the heart of the issue of ghost detainees, prisoners kept and interrogated by the CIA in countries that have not signed on to the Geneva Conventions.

Major General Taguba called the CIA's practice of holding ghost detainees "deceptive, contrary to Army doctrine and in violation of Army law."

The recent effort led by Vice-President Cheney to eliminate language in the bill to constrain interrogations wherever they may occur is misguided and will endanger our troops.

I agree that our post-9/11 world will never be what it was previously, but that's no justification for turning our back on international commitments and undercutting our international credibility.

If our goal is, as I believe it should be, obtaining the best possible actionable intelligence from suspects, then torture is not the best tool in our arsenal.

Torture is immoral, illegal, and rarely yields necessarily credible intelligence.

We're all too familiar with the misleading testimony of a high level Al Qaeda member, who was rendered to Egypt, where he stated under duress that Saddam Hussein had offered to train Al Qaeda operatives in the use of "chemical or biological weapons."

Following his transfer to Guantanamo, this witness recanted and the 9/11 Commission confirmed that there was no working relationship between Saddam and Al Qaeda.

When we abuse prisoners and flout the Geneva Conventions, we are no better than some of the repressive regimes around the world whom we are trying to change.

While administration officials at the highest levels including Justice Department officials and Secretary Rumsfeld have argued for great flexibility in handling of prisoners, more junior enlisted men and women have been a true example to our Nation.

From Army Spc. Joseph M. Darby, who first reported that abuse was occurring at Abu Ghraib, to Army Captain Ian Fishback, who unsuccessfully called for clearer guidelines on interrogation, our men and women in uniform have been a moral compass to others who have lost their way at all levels of government and who have betrayed our nation's values.

We owe it to the rank and file who fight our Nation's wars and who defend our flag around the world to adopt the McCain/Harman language and to support Mr. MURTHA's motion.

I call on all my colleagues to support this important motion.

Mr. HOYER. Mr. Speaker, I urge my colleagues, on both sides of the aisle: Support this critically important motion to instruct.

It is identical to the amendment offered by Senator MCCAIN—and passed 90–9 and by voice vote in the Senate—on the defense appropriations and defense authorization bills.

This motion would do two things. First, it would establish the Army field manual as the uniform standard for the interrogation of department of defense detainees.

There is still much confusion about which interrogation techniques are permissible—and this confusion has been fomented by a White House that believed the Geneva Conventions were outmoded and inapplicable.

Secondly, this motion would prohibit "cruel, inhumane and degrading treatment" of detainees. Thus, it is consistent with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture.

Sadly, this prohibition on torture is necessitated by the administration's own actions: its endorsement of interrogation tactics that border on torture, anything short of "organ failure", and a large number of documented cases of abuse, torture and homicide in Iraq and Afghanistan.

While the President stated in November that "We do not torture," his own Vice President has worked against this motion and sought legal language that would allegedly allow the CIA to utilize torture tactics against foreign prisoners it is holding overseas.

As Senator MCCAIN, himself a victim of torture at the hands of North Vietnamese, recently stated: The administration's position "means that America is the only country in the world that asserts a legal right to engage in cruel and inhumane treatment."

The administration's position on this matter is simply not defensible.

It undermines our credibility in the world. It harms our efforts in the war on terror. It makes more likely the exposure of our own troops to torture. And, it completely betrays our cherished American values.

This is not a question of whether we must combat—and defeat—terrorists.

We must.

This is an issue of who we are as a people.

And we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant; that we stooped to the depths of the dictator.

Mr. Speaker, this Congress has the responsibility under article I, section 8 of our Constitution to make "rules concerning captures on land and water." That is a responsibility that we must embrace today, and not delegate to a zealous executive branch.

I urge my colleagues to support this motion.

Ms. PELOSI. Mr. Speaker, today at long last, because of Congressman JOHN MURTHA's leadership and persistence, the House finally has the chance to go on record in favor of clear procedures for dealing with prisoners and against torture.

In September, 29 retired military officers including General Joseph Hoar, General John Shalikashvili, and our former colleague Ambassador Pete Peterson, sent a letter to Senator MCCAIN in support of the amendment that is the subject of Mr. MURTHA's motion to instruct.

The officers state the case against mistreatment of prisoners succinctly: "The abuse of

prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values Americans have held dear for generations."

The Senate responded by adopting the McCain amendment by a vote of 90 to 9. I hope the House will vote in equally strong numbers.

Our troops were sent to war in Iraq without many of the essentials needed for their effectiveness and their safety, including a standard of conduct for the treatment of detainees.

We have seen, to our great shame and regret, the consequences of this lack of clarity. At Abu Ghraib and elsewhere in Iraq, at Guantanamo, and in Afghanistan, allegations and evidence of detainee abuse have damaged the standing of the United States in the world.

Congress should have made it a priority to get to the bottom of the prisoner abuse scandals so that those responsible, regardless of their place in the chain of command, were held accountable and corrective actions taken. That has not been done.

We must heed the requests for assistance from our soldiers in the field who, in the absence of clear limits on permissible treatment are left in an impossible position, are forced to assume all of the risks and shoulder all of the blame.

The United States has long been bound by international agreements prohibiting torture. That we even find it necessary to make the prohibition against torture more explicit is the result of the Bush administration's legal interpretation that these long-standing prohibitions apply only to persons on U.S. soil.

Torture should not be employed as an interrogation technique by the United States for two simple reasons: it doesn't work and it is wrong. We can not rely on information obtained through torture, and even if we could, the cost is too high.

The values that define our country—the values that our men and women in uniform are called upon to defend sometimes at the cost of their lives—are antithetical to the use of torture. The American people are much better than that. Our struggle with the forces of international terrorism is as much a battle of ideas as a battle of arms. We weaken ourselves when we compromise our ideals. Standing against torture helps define the differences between the United States and those who offer no message other than hatred and violence.

Adopting this motion to instruct is in the best traditions, and the best interests, of our country. I urge my colleagues to approve it overwhelmingly.

Mr. MARKEY. Mr. Speaker, I rise in support of the motion offered by the gentleman from Pennsylvania (Mr. MURTHA).

Last month, 64 Members of this body joined with me in signing a letter urging the Appropriations Committee to say "no" to torture and "yes" to the McCain and Markey amendments as part of the Defense Appropriations Conference.

The McCain amendment, which is the subject of this motion, will prevent the use of inhuman interrogation practices.

The Markey amendment will prevent the use of funds in contravention of the UN Convention Against Torture.

We need to send a signal to the administration and the rest of the world that we will not

dodge our treaty obligations to our international allies under the U.N. Convention Against Torture.

We do not support the use of torture as an interrogation method. Torture is morally wrong. Always. And without exception.

Not only is torture wrong, confessions obtained from torture are useless. A prisoner will say anything to stop their own suffering.

If we do not approve both the McCain and Markey amendments, we will set a precedent that torture is okay for all and open up our own troops to face torture at the hands of our enemies. Our troops already face enough risks. Shouldn't we protect them any way we can?

Furthermore, if we reduce ourselves to use the methods that we condemn terrorists for using, we lose our moral high ground. We have always been a beacon to the rest of the world on human rights and the rule of law. Should we change hundreds of years of history for this administration?

Reports of "black sites" where detainees in US custody are rendered without a trace come on top of reports of prisoner abuse and even death from the use of torture in U.S.-run prisons such as Abu Ghraib.

We criticize countries like Syria and Uzbekistan even as our CIA secretly sends detainees to be interrogated by the secret police of these very same human rights violators.

It seems obvious, that as a civilized nation, we should not fund torture, use torture as an interrogation tool, or ask other countries to torture for us, yet, for reasons beyond my imagination, we are still discussing this arcane, abhorrent practice today.

The adoption of the McCain and Markey amendments is an important step towards both restoring our nation's reputation for respecting human rights and preventing shameful abuses similar to those that occurred in Abu Ghraib.

We can not tolerate torture by any U.S. official. It is blood on all of our hands, on our countries good name. I support the McCain and Markey amendments and urge the conferees to do so as well.

Mr. DICKS. Mr. Speaker, I rise today in strong support of the language to instruct conferees offered by my esteemed colleague from Pennsylvania, the ranking member of the Appropriations Subcommittee on Defense, Mr. MURTHA.

Mr. Speaker, my support for this language hinges on three fundamental points: torture is not effective; torture does not further the security interests of the United States; and our use of torture adds to the risk that United States military and civilian personnel could be subjected to torture themselves.

Mr. Speaker, I served on the House Permanent Select Committee on Intelligence for eight years; four of those years as the ranking member. I appreciate the value of good, reliable intelligence. In fact, I expect that we all have a greater appreciation for good intelligence in light of what we have learned about the situation in Iraq since we toppled the government of Saddam Hussein. It was just this morning in an address at the Woodrow Wilson Institute that President Bush, in describing the decision to go into Iraq said that "it is true that much of the intelligence turned out to be wrong."

Mr. Speaker, I am not saying that torture was the root cause of our incorrect intelligence

assessments in early 2003. My point is that our nation needs the best intelligence that we can get. The intelligence community and our military recognize that torture and abuse are not effective methods of interrogation. We must not allow cruel, inhuman and degrading treatment to be used if for no other reason than that they yield poor results.

Mr. Speaker, my second point is that the use of torture does not advance the security interests of the United States. We are in a global war on terror. This is a war that is going to be waged on many fronts around the world. As much as it is a military conflict, the global war on terror is a battle for the hearts and minds of people around the world. If our nation is to remain the recognized leader in the cause of freedom, democracy and the rule of law, we must live and abide by the principles and laws to which we have committed ourselves. If we do not send a strong message to the world that we will not engage in torture, we undermine our very security by giving terrorists ammunition to use in furthering their aims.

Finally, Mr. Speaker, if we do not renounce the use of torture, we put our own soldiers and citizens at risk of being subjected to these very measures. We cannot allow any perception that we support torture, if we are to call for the world community to resist its use against our own people.

Mr. Speaker, I urge the members of the House to support the language that makes it clear to the world that the United States will not use torture.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on the FY2006 Defense Appropriations bill to include the amendment by our colleague in the Senate, JOHN MCCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. Government.

Senator MCCAIN knows the ravages of war and devastating effects of inhumane treatment at the hands of an enemy. He and other American soldiers during the Vietnam War were subjected to terrible treatment that no human being ought to endure. In recent floor remarks, Senator MCCAIN explained that during his time in captivity he and his fellow American soldiers drew strength from knowing that the institution to which they belonged, the U.S. military, and the country they served stood for the highest of principles and ideals. They believed that the U.S. would never treat prisoners of war the way that they were being treated.

Noone would disagree that "torture, cruel, inhumane, and degrading treatment" is unjust, but there is clear evidence that it is also ineffective. When put under extreme levels of pain or duress during interrogation, a detainee is more likely to say anything to stop the pain, regardless of its accuracy. Moreover, our own cruel treatment of others legitimizes the torture of American citizens. Look no further than the desecrated bodies of American citizens and soldiers killed in Iraq for tragic evidence of this reaction. Furthermore, torture and inhumane treatment aids in the recruitment of terrorists and fuels further terrorist activity.

As members of Congress, we have the Constitutional obligation, under Article I, Section 8, to speak out on this issue and others

related to treatment of foreign detainees in war. We also have a moral obligation to oppose cruel and degrading treatment of human beings, and a patriotic obligation to stand up for the honor of this country.

In the wake of the scrutiny and embarrassment that our nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy reflects the law of the land and the conscience of our country. Providing our soldiers with clear, written guidance on how to treat detainees not only protects their interests but underscores the freedoms and values we cherish as Americans and that we claim to be the reason we have gone to war in Iraq, Afghanistan and other parts of the world.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the MCCAIN amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that does not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator MCCAIN's language that would grant exceptions for the CIA to conduct its own investigations of detainees in locations overseas that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detainee interrogations.

The Army Field Manual has been used as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that we, and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guantanamo stained the honor of our country and our mili-

tary. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who may be held as prisoners of war, we must give our troops clear instructions on acceptable treatment during detainment and interrogation, without equivocation.

Let us not shrink from the responsibility that stands before us; let us rise as a united body to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman YOUNG to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

Mr. CASTLE. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 2863, the Fiscal Year 2006 Defense Appropriations Act, offered by the gentleman from Pennsylvania.

There is no question that recent charges of misconduct at Guantanamo Bay and Abu Ghraib prisons are obvious indications that there is significant confusion in the field regarding the interrogation of detainees.

Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not.

It is clear that any treatment that is cruel, inhuman and degrading is unacceptable. Such treatment is clearly prohibited by the Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution and these abuses are a direct violation of our government's treaty obligations.

The provisions included in the Senate version of the Defense Appropriations bill simply ensure that persons under U.S. custody or control in facilities outside of this country cannot be subjected to treatment that would be deemed unconstitutional if it occurred in U.S. territory.

I strongly support President Bush's efforts to defeat terrorism and his explicit denouncement of torture is crucial to winning this struggle. Backroom deals to blur the lines or allow exemptions for certain government agencies undermine the very freedoms our soldiers are fighting for around the globe.

It is our duty to provide clarity about the values and standards by which America lives in contrast to our enemies. Now is the time for our government to reaffirm our position as the world's leader on human rights, and establish an unambiguous standard for the international treatment of detainees.

Mr. Speaker, this provision has passed the Senate with broad, bipartisan support and I urge my colleagues to support this very important motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. MURTHA).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006 WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2863 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close the conference will be followed by 5-minute votes on the motion to instruct on H.R. 2863, the motion to suspend the rules and agree to H. Res. 599, and the motion to suspend the rules and pass H.R. 972.

The vote was taken by electronic device, and there were—yeas 415, nays 9, not voting 9, as follows:

[Roll No. 629]

YEAS—415

Ackerman	Brown (SC)	Davis (CA)
Aderholt	Brown, Corrine	Davis (FL)
Akin	Brown-Waite,	Davis (IL)
Alexander	Ginny	Davis (KY)
Allen	Burgess	Davis (TN)
Andrews	Burton (IN)	Davis, Jo Ann
Baca	Butterfield	Davis, Tom
Bachus	Buyer	Deal (GA)
Baird	Calvert	DeGette
Baker	Camp (MI)	Delahunt
Baldwin	Campbell (CA)	DeLauro
Barrett (SC)	Cannon	DeLay
Barrow	Cantor	Dent
Bartlett (MD)	Capito	Diaz-Balart, L.
Barton (TX)	Capps	Dicks
Bass	Capuano	Dingell
Bean	Cardin	Doggett
Beauprez	Cardoza	Doolittle
Becerra	Carnahan	Doyle
Berkley	Carson	Drake
Berman	Carter	Dreier
Berry	Case	Duncan
Biggert	Castle	Edwards
Bilirakis	Chabot	Ehlers
Bishop (GA)	Chandler	Emanuel
Bishop (NY)	Chocola	Emerson
Blackburn	Clay	Engel
Blunt	Cleaver	English (PA)
Boehrlert	Clyburn	Eshoo
Boehner	Coble	Etheridge
Bonilla	Cole (OK)	Evans
Bonner	Conaway	Everett
Bono	Conyers	Farr
Boozman	Cooper	Fattah
Boren	Costello	Feeney
Boswell	Cramer	Ferguson
Boucher	Crenshaw	Filner
Boustany	Crowley	Fitzpatrick (PA)
Boyd	Cubin	Flake
Bradley (NH)	Cuellar	Foley
Brady (PA)	Culberson	Forbes
Brady (TX)	Cummings	Ford
Brown (OH)	Davis (AL)	Fortenberry