

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

Fossella	Lofgren, Zoe	Rogers (AL)		NAYS—9	Inslee	Melancon	Saxton
Fox	Lowey	Rogers (KY)			Israel	Menendez	Schakowsky
Frank (MA)	Lucas	Rogers (MI)	Blumenauer	Kucinich	Issa	Michaud	Schiff
Franks (AZ)	Lungren, Daniel	Rohrabacher	DeFazio	Lee	Jackson (IL)	Millender-	Schwartz (PA)
Frelinghuysen	E.	Ros-Lehtinen	Hinchee	McKinney	Jackson-Lee	McDonald	Schwarz (MI)
Gallely	Lynch	Ross		NOT VOTING—9	(TX)	Miller (MI)	Scott (GA)
Garrett (NJ)	Mack	Rothman	Abercrombie		Jefferson	Miller (NC)	Scott (VA)
Gerlach	Maloney	Roybal-Allard	Bishop (UT)	Diaz-Balart, M.	Jenkins	Miller, George	Sensenbrenner
Gibbons	Manzullo	Royce	Costa	Hyde	Johnson (CT)	Mollohan	Serrano
Gilchrest	Marchant	Ruppersberger		Simpson	Johnson (IL)	Moore (KS)	Serrano
Gillmor	Markey	Rush			Johnson, E. B.	Moore (WI)	Shays
Gingrey	Marshall	Ryan (OH)		□ 1838	Jones (NC)	Moran (KS)	Sherman
Gohmert	Matheson	Ryan (WI)			Jones (OH)	Moran (VA)	Sherwood
Gonzalez	Matsui	Ryun (KS)			Kanjorski	Murphy	Shimkus
Goode	McCarthy	Sabo			Kaptur	Murtha	Simmons
Goodlatte	McCaull (TX)	Salazar			Keller	Nadler	Skelton
Gordon	McCollum (MN)	Sánchez, Linda			Kelly	Napolitano	Slaughter
Granger	McCotter	T.			Kennedy (MN)	Neal (MA)	Smith (NJ)
Graves	McCrery	Sanchez, Loretta			Kennedy (RI)	Northup	Smith (WA)
Green (WI)	McDermott	Sanders			Kildee	Nussle	Snyder
Green, Al	McGovern	Saxton			Kilpatrick (MI)	Oberstar	Sodrel
Green, Gene	McHenry	Schakowsky			Kind	Obey	Solis
Grijalva	McHugh	Schiff			Kirk	Olver	Spratt
Gutierrez	McIntyre	Schmidt			Kline	Ortiz	Stark
Gutknecht	McKeon	Schwartz (PA)			Knollenberg	Osborne	Starkland
Hall	McMorris	Schwartz (MI)			Kolbe	Otter	Strickland
Harman	McNulty	Scott (GA)			Kucinich	Owens	Stupak
Harris	Meehan	Scott (VA)			Kuhl (NY)	Pallone	Sweeney
Hart	Meek (FL)	Scott (VA)			Langevin	Pascarell	Tancredo
Hastings (FL)	Meeks (NY)	Sensenbrenner			Lantos	Pastor	Tanner
Hastings (WA)	Melancon	Sessions			Larsen (WA)	Paul	Tauscher
Hayes	Menendez	Shadegg			Larson (CT)	Payne	Taylor (MS)
Hayworth	Mica	Shaw			Latham	Pelosi	Thomas
Hefley	Michaud	Shays			LaTourette	Peterson (MN)	Thompson (CA)
Hensarling	Millender-	Sherman			Leach	Petri	Thompson (MS)
Herger	McDonald	Sherwood			Lee	Pickering	Tiberi
Herseth	Miller (FL)	Shimkus			Levin	Pitts	Tierney
Higgins	Miller (MI)	Shuster			Lewis (GA)	Platts	Towns
Hinojosa	Miller (NC)	Simmons			Lipinski	Pombo	Udall (CO)
Hobson	Miller, Gary	Skelton			LoBiondo	Pomeroy	Udall (NM)
Hoekstra	Miller, George	Slaughter			Lofgren, Zoe	Porter	Upton
Holden	Mollohan	Smith (NJ)			Lowey	Price (NC)	Van Hollen
Holt	Moore (KS)	Smith (TX)			Lynch	Pryce (OH)	Velázquez
Honda	Moore (WI)	Smith (WA)			Mack	Rahall	Vislosky
Hooley	Moran (KS)	Snyder			Maloney	Ramstad	Walden (OR)
Hostettler	Moran (VA)	Sodrel			Manzullo	Rangel	Walsh
Hoyer	Murphy	Solis			Markey	Regula	Wamp
Hulshof	Murtha	Souder			Matheson	Reichert	Wasserman
Hunter	Musgrave	Spratt			Matsui	Reyes	Schultz
Inglis (SC)	Myrick	Stearns			McCarthy	Reynolds	Waters
Inslee	Nadler	Strickland			McCaull (TX)	Ros-Lehtinen	Watson
Israel	Napolitano	Stupak			McCollum (MN)	Ross	Watt
Issa	Neal (MA)	Sullivan			McCotter	Rothman	Waxman
Istook	Neugebauer	Sweeney			McCrery	Roybal-Allard	Weiner
Jackson (IL)	Ney	Tancredo			McDermott	Ruppersberger	Weldon (PA)
Jackson-Lee	Northup	Tauscher			McGovern	Rush	Weller
(TX)	Norwood	Taylor (MS)			McHugh	Ryan (OH)	Wexler
Jefferson	Nunes	Taylor (NC)			McIntyre	Ryan (WI)	Whitfield
Jenkins	Nussle	Terry			McKinney	Sabo	Wilson (NM)
Jindal	Oberstar	Thomas			McMorris	Sánchez, Linda	Wolf
Johnson (CT)	Obey	Thompson (CA)			McNulty	T.	Woolsey
Johnson (IL)	Ortiz	Thompson (MS)			Meehan	Sanchez, Loretta	Wu
Johnson, E. B.	Osborne	Thornberry			Meek (FL)	Sanders	Wynn
Johnson, Sam	Otter	Tiahrt			Meeks (NY)		
Jones (NC)	Owens	Tiberi				NAYS—122	
Jones (OH)	Oxley	Tierney				Drake	Kingston
Kanjorski	Pallone	Towns				Dreier	LaHood
Kaptur	Pascarell	Turner				Everett	Lewis (CA)
Keller	Pastor	Udall (CO)				Feeney	Lewis (KY)
Kelly	Paul	Udall (NM)				Fossella	Linder
Kennedy (MN)	Payne	Upton				Fox	Lucas
Kennedy (RI)	Pearce	Van Hollen				Franks (AZ)	Lungren, Daniel
Kildee	Pelosi	Velázquez				Frelinghuysen	E.
Kilpatrick (MI)	Pence	Vislosky				Gallegly	Marchant
Kind	Peterson (MN)	Walden (OR)				Garrett (NJ)	Marshall
King (IA)	Peterson (PA)	Walsh				Gillmor	McHenry
King (NY)	Petri	Wamp				Bonner	McKeon
Kingston	Pickering	Wasserman				Bono	Gohmert
Kirk	Pitts	Schultz				Brady (TX)	Goode
Kline	Platts	Waters				Brown (SC)	Granger
Knollenberg	Poe	Boren				Burgess	Graves
Kolbe	Pombo	Boswell				Burton (IN)	Hall
Kuhl (NY)	Pomeroy	Boucher				Buyer	Hart
LaHood	Porter	Boustany				Calvert	Hastings (WA)
Langevin	Price (GA)	Boyd				Campbell (CA)	Hayes
Lantos	Price (NC)	Bradley (NH)				Cannon	Hayworth
Larsen (WA)	Pryce (OH)	Brady (PA)				Cantor	Hefley
Larson (CT)	Putnam	Brown (OH)				Carter	Hensarling
Latham	Radanovich	Brown, Corrine				Chabot	Herger
LaTourette	Rahall	Brown-Waite,				Coble	Hobson
Leach	Ramstad	Ginny				Cole (OK)	Hoekstra
Levin	Rangel	Butterfield				Conaway	Hostettler
Lewis (CA)	Regula	Camp (MI)				Crenshaw	Hunter
Lewis (GA)	Rehberg	Caputo				Cubin	Istook
Lewis (KY)	Reichert	Capps				Culberson	Jindal
Linder	Renzi	Capuano				Deal (GA)	Johnson, Sam
Lipinski	Reyes	Cardin				DeLay	King (IA)
LoBiondo	Reynolds					Doolittle	King (NY)

Ms. WOOLSEY and Ms. LEE changed their vote from “yea” to “nay.”

Mr. TIERNEY and Mr. BARTON of Texas changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

MOTION TO INSTRUCT OFFERED BY MR. MURTHA  
The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the vote on the motion to instruct on H.R. 2863 offered by the gentleman from Pennsylvania (Mr. MURTHA) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 122, not voting 3, as follows:

[Roll No. 630]

YEAS—308

Abercrombie	Cardoza	English (PA)
Ackerman	Carnahan	Eshoo
Alexander	Carson	Etheridge
Allen	Case	Evans
Andrews	Castle	Farr
Baca	Chandler	Fattah
Bachus	Chocola	Ferguson
Baird	Clay	Filner
Baldwin	Cleaver	Fitzpatrick (PA)
Barrow	Clyburn	Flake
Bartlett (MD)	Conyers	Foley
Bass	Cooper	Forbes
Bean	Costello	Ford
Beauprez	Cramer	Fortenberry
Becerra	Crowley	Frank (MA)
Berkley	Cuellar	Gerlach
Berman	Cummings	Gibbons
Berry	Davis (AL)	Gilchrest
Biggart	Davis (CA)	Gonzalez
Bishop (GA)	Davis (FL)	Goodlatte
Bishop (NY)	Davis (IL)	Gordon
Blumenauer	Davis (KY)	Green (WI)
Boehlert	Davis (TN)	Green, Al
Boozman	Davis, Jo Ann	Green, Gene
Boren	Davis, Tom	Grijalva
Boswell	DeFazio	Gutierrez
Boucher	DeGette	Gutknecht
Boustany	DeLaunt	Harman
Boyd	DeLauro	Harris
Bradley (NH)	Dent	Hastings (FL)
Brady (PA)	Diaz-Balart, L.	Herseth
Brown (OH)	Dicks	Higgins
Brown, Corrine	Dingell	Hinchee
Wicker	Doggett	Hinojosa
Brown-Waite,	Doyle	Holden
Ginny	Duncan	Holt
Butterfield	Edwards	Honda
Camp (MI)	Ehlers	Hooley
Capito	Emanuel	Hoyer
Capps	Emerson	Hulshof
Capuano	Engel	Inglis (SC)