

Jefferson	Miller (NC)	Sanchez, Loretta
Jindal	Miller, Gary	Sanders
Johnson (CT)	Miller, George	Schakowsky
Johnson (IL)	Mollohan	Schiff
Johnson, E. B.	Moore (KS)	Schmidt
Johnson, Sam	Moore (WI)	Schwartz (PA)
Jones (OH)	Moran (KS)	Schwarz (MI)
Kanjorski	Moran (VA)	Scott (GA)
Kaptur	Murphy	Scott (VA)
Keller	Musgrave	Serrano
Kelly	Myrick	Sessions
Kennedy (MN)	Nadler	Shadegg
Kennedy (RI)	Napolitano	Shaw
Kildee	Neal (MA)	Shays
Kilpatrick (MI)	Neugebauer	Sherman
Kind	Ney	Sherwood
King (IA)	Northup	Shimkus
King (NY)	Norwood	Shuster
Kingston	Nunes	Simmons
Kline	Nussle	Simpson
Knollenberg	Oberstar	Skelton
Colbe	Obey	Slaughter
Kuhl (NY)	Olver	Smith (NJ)
Langevin	Ortiz	Smith (TX)
Lantos	Osborne	Smith (WA)
Larsen (WA)	Owens	Snyder
Larson (CT)	Oxley	Sodrel
Latham	Pallone	Solis
LaTourette	Pascarella	Souder
Leach	Pastor	Spratt
Lee	Payne	Stark
Levin	Pearce	Stearns
Lewis (CA)	Pelosi	Strickland
Lewis (GA)	Pence	Stupak
Lewis (KY)	Peterson (MN)	Sullivan
Linder	Peterson (PA)	Tancredo
Lipinski	Petri	Tanner
LoBiondo	Pickering	Tauscher
Logren, Zoe	Pitts	Taylor (MS)
Lowey	Platts	Terry
Lucas	Poe	Thomas
Lungren, Daniel E.	Pombo	Thompson (CA)
Lynch	Pomeroy	Thompson (MS)
Mack	Porter	Thornberry
Maloney	Price (GA)	Tiaht
Manzullo	Price (NC)	Tiberi
Marchant	Pryce (OH)	Tierney
Markey	Putnam	Towns
Marshall	Radanovich	Turner
Matheson	Rahall	Udall (CO)
Matsui	Ramstad	Udall (NM)
McCaul (TX)	Rangel	Upton
McCollum (MN)	Regula	Van Hollen
McCotter	Rheberg	Velázquez
McCrery	Reichert	Visclosky
McDermott	Renzi	Walden (OR)
McGovern	Reyes	Walsh
McHenry	Reynolds	Wasserman
McHugh	Rogers (AL)	Schultz
McIntyre	Rogers (KY)	Watson
McKeon	Rohrabacher	Watt
McKinney	Ros-Lehtinen	Waxman
McMorris	Ross	Weiner
McNulty	Rothman	Weldon (FL)
Meehan	Royal-Allard	Weller
Meek (FL)	Royce	Westmoreland
Meeks (NY)	Ruppersberger	Wexler
Melancon	Rush	Whitfield
Menendez	Ryan (OH)	Wicker
Mica	Ryan (WI)	Wilson (NM)
Michaud	Ryun (KS)	Wilson (SC)
Millender-McDonald	Sabo	Wolf
Miller (FL)	Salazar	Woolsey
Miller (MI)	Sánchez, Linda T.	Wu
		Wynn
		Young (FL)

## NAYS—15

Abercrombie	Jenkins	Saxton
Coble	Jones (NC)	Sensenbrenner
Duncan	Kucinich	Taylor (NC)
Gutknecht	Otter	Wamp
Hastings (FL)	Paul	Weldon (PA)

## NOT VOTING—13

Barton (TX)	Hyde	Sweeney
Brown, Corrine	Kirk	Waters
Davis (FL)	LaHood	Young (AK)
Diaz-Balart, M.	McCarthy	
Emanuel	Murtha	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2148

Mr. HASTINGS of Florida changed his vote from “yea” to “nay.”

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: “Concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign non-governmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.”

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 73

Mr. UDALL of Colorado. Mr. Speaker, because it was added in error, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 73.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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 SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## MOTION TO INSTRUCT OFFERED BY MR. SKELTON

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

The Clerk read as follows:

Mr. Skelton 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. 1815 be instructed to agree to the provisions contained in section 1047 of the Senate amendment, relating to a report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Missouri (Mr. SKELTON)

and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise to offer a motion instructing House conferees on the National Defense Authorization Act for Fiscal Year 2006 to support the Senate provision requiring a classified report on alleged clandestine detention facilities for individuals captured in the global war on terrorism.

Before I get to the motion itself, let me speak to the broader issue of detainee policy that has been under consideration in this conference. Our conferees have an opportunity to bring back a conference report that will strongly state that it is our law and policy that no one in custody of the United States will be subject to cruel, inhuman or degrading treatment or punishment. This House spoke resoundingly on that issue last night on Mr. MURTHA’s motion. This is the right policy, and I commend Senator McCAIN for offering his amendment for this Nation and our military forces as well as intelligence personnel.

Mr. Speaker, I am confident that the ultimate conference report we bring back will contain this language. The rest of the provisions in that detainee package are complex. They deal with intricate changes in the law, and their implications will be felt for a long time to come. We would have been better served by a more deliberative process with hearings and debate. I will have more to say about the outcome of that package when we return a conference report to this body.

A critical issue beyond the McCain language that should be included in the conference report is the issue of congressional oversight of potential secret prisons around the world. On November 2, the Washington Post published a story claiming that “the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe.” Citing U.S. and foreign officials familiar with the arrangement, the article said that “the secret facility is part of a covert prison system set up by the CIA nearly 4 years ago that at various times has included sites in eight countries.”

The story has been followed by a flurry of press reports, both here and abroad, and statements by the administration. It has created a firestorm of concern amongst our European allies and defense partners that threatens to undermine our efforts in the war against terror. Just yesterday, the 25-nation European Union legislature voted to establish a “temporary ad-hoc committee on the alleged use by the CIA of European countries for the illegal transport and detention of prisoners.”

No nation or individual should question America’s commitment to combating terrorism; yet what sets us

apart from the enemy is our fundamental commitment to human rights and the rule of law. While the administration has publicly stated that Americans do not torture and that the United States does not secretly move terrorism suspects to foreign countries that torture to get information, Congress has a fundamental responsibility to verify these claims on behalf of the American people. It is critical to ensure that the appropriate Members of Congress are fully informed about these activities. Congress must not hear of these matters from a newspaper.

During Senate consideration of the defense bill, an amendment was adopted with bipartisan support, by a vote of 82-9, that would clearly establish congressional oversight expectations over clandestine facilities currently or formerly operated by the U.S. Government, regardless of location, where detainees in the global war on terrorism are or were being held.

The provision, which had the support of both the chairman and ranking minority member of the Senate Intelligence Committee, does not pass judgment on the merit or values of these facilities. It simply asks for a classified accounting of activities related to the facilities by the director of National Intelligence to the Congressional Intelligence Committees.

The provision was offered as a compromise measure by Senator KERRY and Senator ROBERTS, chairman of the Senate Select Committee on Intelligence. Senator ROCKEFELLER, vice chairman of the Intelligence Committee, also supported the provision.

The Senate provision sets a higher standard for congressional oversight than what we have seen throughout the war on terror on numerous matters, including the abuses of detainees. We must set a higher standard in our own oversight and in what we expect the administration to tell us.

Success in any war requires the informed consent of the American people, and in a matter as sensitive as this, that can only be derived from Congress reviewing appropriate information from the administration so we can understand the issues involved and provide such consent.

The Senate provision is reasonable and limited in scope. It is the least we can ask for from the administration as it simply reinforces existing legal responsibility under title 50 of the U.S. Code to inform Congress about intelligence matters.

Voting for this motion to instruct will send a clear message to the American people that the Congress intends to thoroughly review this matter and fulfill our important oversight responsibilities. It will also send a message to our allies that we are taking this matter seriously. It is a reasonable and modest motion, and I urge my colleagues to vote yes.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just start off by saying that I think this is a somewhat dangerous thing that we are doing right now. We are responding to newspaper articles. We are talking about an issue that is not within the jurisdiction of this committee, and we are implying in this response that, if we have a positive vote that somehow there has been an inadequacy, somehow people have not been briefed about ongoing operations around the world, somehow there is a breakdown in our process. And I think that is precisely the wrong message to be sending.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. HOEKSTRA), who chairs the appropriate committee, the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague from the House Armed Services Committee for yielding me this time and for acknowledging that the item under discussion tonight is an item that falls under the jurisdiction of the Intelligence Committee. And as much as my colleague and I wrestled last year at almost exactly the same time, as we arm wrestled together to work out the responsibilities and the shape of the new director of National Intelligence, we worked through that process.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I have a serious question. Is there a question as to whether there is proper jurisdiction? If there is, would not the Parliamentarian have ruled that we are out of order now and not carry forward?

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I am pointing out why it is, from my perspective, inappropriate under the Defense Authorization Bill to instruct the Intelligence Committee what we need to be doing.

As I was indicating, it was last year at roughly this time, when my colleagues and I on the Defense Committee and the Intelligence Committee were shaping the new director of National Intelligence, responding to the concerns of the 9/11 Commission. And as we acknowledged through that process, we had a tremendous amount to learn from our colleagues on the House Armed Services Committee about how they used intelligence. They had, I think, a shared view that they had much to learn from the Intelligence Committee about how others in the intelligence community and policymakers might use intelligence.

□ 2200

But one of the things that we really focused on was that we could learn from each other, that we would each stay in our lanes of the road. They are the experts on defense, we attempt to be the experts on intelligence, and we respect these roles.

One of the other things that came out of the 9/11 Commission report, besides giving us some guidance in terms of how to restructure the intelligence community, was the emphasis that the 9/11 Commission said there has been inadequate oversight by the Intelligence Committees of what is going on in the intelligence communities, and it is important for the Congress to respond to that. The Intelligence Committee has responded to that.

As we went forward this year, one of the first things we did with committee funding is, on a bipartisan basis, this Congress supported an increase of 25 percent of the staff for the Intelligence Committee. That staff is focused on primarily one new subcommittee in the Intelligence Committee. It is our Oversight and Investigations Subcommittee.

We have taken seriously the directive or the instructions or the suggestions, whatever you want to call them, from the 9/11 Commission saying, strengthen oversight, and we have been able to do that in a very, very positive and a very, very constructive and in a very bipartisan way.

So we are monitoring what is going on in the intelligence community. We are monitoring the implementation and the standup of the new DNI organization on a bipartisan basis. We are going to be putting in place metrics so that we can measure the performance of the DNI against benchmarks that we have established that will talk about the progress that we are making. Oversight is alive and well within the intelligence community. It is a key priority. It is a key focus, and it is a key bipartisan focus to make sure that we do our job well.

The last thing that we need to be doing as we are at war with radical Islam, in the middle of the war, is to begin instructing the Director of National Intelligence on what they should or should not be doing or what they should be preparing for Congress based on press reports in the Washington Post, the Washington Times, the New York Times or any other outlet. That is a very interesting way to direct a Federal bureaucracy.

The work that needs to be done is being done on a bipartisan basis. The DNI and other elements of the intelligence community understand their responsibility to be accountable to Congress for what they are doing, how they are doing it, and to make sure that they are acting within the confines of the laws and the framework that we have established.

Oversight is working. It is demonstrated in the work we do every day in the committee. It is demonstrated in the intelligence authorization bill that went through this Congress earlier this year, and when we come back with a conference report in February, you will continue to see the progress that we have made on a number of these issues.

It is being done in a professional way. It is not being done in an ad hoc way of

reading a newspaper and saying, wow, that is an interesting allegation or theory that is out there. Yeah, we ought to put it into a bill that does not have anything to do with the intelligence community and say, we ought to instruct the intelligence community to go do this.

Let us do this in a professional way, in a bipartisan way. Let us defeat this motion to instruct conferees and let us move forward and let the DNI focus on doing the job that they are doing, which is the tip of the spear in winning the war on terrorism.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is our constitutional responsibility to exercise oversight, and I want to say to the gentleman who just spoke, the chairman of the Intelligence Committee, this side of the aisle believes that you have been more bipartisan and are trying to include both sides in the deliberations, and we believe that is the correct way to do it, and we congratulate you for that.

This issue, of course, came up after your bill passed, so it could not have been offered in your bill because the issue was not known. It asked for a report to the Defense Committee as well. That is the bill that we are discussing. It is, I think, very relevant. I would hope that every Member would vote for this motion.

Quite simply, this motion would instruct conferees to agree to a Senate provision, passed 82–9, that requires the director of the National Intelligence Agency to provide members of the House and Senate Intelligence Committees with a detailed report of any clandestine prison or detention facility where detainees in the global war on terrorism are or were being held.

This Congress ought to know that information. The Intelligence Committee ought to know that information. Indeed, in my opinion, perhaps all America ought to know that.

I say to my colleagues, whether you are troubled by recent revelations that the United States operates a clandestine prison or prisons on foreign soil or not, and I am one who is troubled by it, you should not quarrel with the proposition that the Members of this Congress have a constitutional obligation to conduct oversight on the administration's conduct of this war. That is what makes America different.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, I would be happy to yield to the gentleman from New York, had I more time.

Mr. HUNTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH) for the purposes of conducting a colloquy with the gentleman from Maryland.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman from Maryland and the

chairman of the Armed Services Committee.

Mr. Speaker, as I think the only Member in the House tonight who is both a member of the Armed Services Committee and the Intelligence Committee, I listened to what the gentleman said. The gentleman said that he felt the information should be known to the Intelligence Committee, and I agree with the gentleman, and also to the House.

Would the gentleman help me understand, because based on the language of the instruction, I see no requirement that the information reported to the Intel Committee be reported to the full House, is that his understanding, that somehow that very clandestine, very important information, very secretive information, should be shared to the whole House? Because that is not contained in the instruction.

Mr. HOYER. Mr. Speaker, reclaiming my time, I think the gentleman is correct, that it would not be shared with the whole House as a public disclosure. My understanding, and I stand to be corrected, is that every Member of the House, however, has the opportunity to go to the Intelligence Committee and see that information for themselves. I think I am correct on that. The gentleman may know more about that than I do.

Mr. MCHUGH. Mr. Speaker, reclaiming my time, I would ask the gentleman, why are we here tonight? The fact of the matter is, as I believe the chairman of the Intel Committee suggested, the oversight activities associated with these kinds of facilities is being conducted by the Intel Committee and is in fact available to those Members of the House who wish to come here. Why is this instruction necessary?

Mr. HOYER. Mr. Speaker, reclaiming my time, the reason for that is for the same reason that overwhelmingly in the Senate they asked, because they wanted to assure that the information on the publicly disclosed conduct is in fact available to the Intelligence Committees of both Houses and to the Defense Committees.

Now, the gentleman who chairs that committee has said, we have that information. We do not have the information on our side of the aisle that in fact we have information from the National Intelligence Director as it relates to the publicly disclosed facilities and the use of those facilities and the countries which are receptors for those facilities.

Mr. MCHUGH. Mr. Speaker, reclaiming my time, just so I understand, is the gentleman from Maryland saying that the gentlewoman from California (Ms. HARMAN), the ranking member of the Intelligence Committee, does not have that information available to her, because that is what the gentleman very strongly suggested? I do not see the gentlewoman from California on the floor tonight. I do not think she would agree with that kind of assertion.

Mr. HOYER. Are you asking me whether Ms. HARMAN has it? I have not had a conversation with Ms. HARMAN, so I cannot respond.

Mr. MCHUGH. Mr. Speaker, I cannot either. I have not talked to the gentlewoman from California, but I feel very confident, and certainly if the chairman of the full committee would like to stand forward to the microphone and take this, I would be shocked, I would be stunned, if the gentlewoman from California, the ranking member of the Intelligence Committee, did not have that information. The point being, at the end of the day, and there is no one, no one I respect more and feel more affection toward, in all areas but particularly in the area of defense, than the ranking member of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), but it just seems to me that these are activities that are already occurring. They are activities that, as a 13-year member of the Armed Services Committee, in spite of my loyalty to that committee, I feel are beyond the bounds of this committee and are not necessary, and I am confused as to why we are here as members of the Armed Services Committee trying to instruct the Intelligence Committee to do something that is already being done.

Mr. HUNTER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Maryland (Mr. HOYER) has 1½ minutes remaining.

Mr. HOYER. Mr. Speaker, the chairman of the Senate Intelligence Committee was a cosponsor of this resolution. Obviously, it was his conclusion the Intelligence Committees did not have it.

Regrettably, very frankly, I tell my friend from New York, this Congress has shown little inclination for oversight. I am not going to go into the number of incidents that I think we should have had oversight on that we have not, particularly in the House as opposed to the Senate, which has had some more but not much. In my judgment, the revelations of clandestine CIA interrogation centers are serious and disconcerting, and this Congress, on behalf of the American people, needs to get at the bottom of it. The contention is that we have. Perhaps so. But apparently, again, the chairman of the Senate Intelligence Committee does not think that is the case.

These revelations, if true, and the administration has not denied them, threaten to undermine our standing as the world's leading advocate for basic human rights and the rule of law. That concerns me. I presume it concerns every Member of this body. They threaten to underline our alliance.

Following in the footsteps of the mistreatment of prisoners at Abu Ghraib, which I think seriously undermined our position, Guantanamo Bay and Bagram Air Base, this story is yet another example of the administration's

attitude toward adherence to domestic and international law. That concerns me. It ought to concern the Congress. That is what separation of powers is about.

When we abandon the moral standards upon which our country was founded in the conduct of the war on terror, which I have supported, we not only diminish our standing in the world, we foment resentment against the United States and embolden those with whom we are engaged in a daily struggle.

I have supported that struggle. I intend to continue to support that struggle. But I think our moral standing needs to be as strong, frankly, as our military standing. Both will stand this country and Nation in good stead, as they have through history.

I thank the gentleman for yielding me time, and urge support of the gentleman's motion.

□ 2215

Mr. HUNTER. Mr. Speaker, I yield 9 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California, the chairman of the House Armed Services Committee, for yielding me time.

I want to just look at the facts that are presented as modified in the amendment. Now, Senator ROBERTS has been part of this, and I have deep respect for Senator ROBERTS from Kansas. He is a great American. He has served in the marines, and I think he makes clear sense. But what we have in this amendment says we want reported on "any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held."

Now, terrorism is something that we have tried to define, to be interpreted in current terms. But are we talking about terrorism in the Revolutionary War, the War of 1812, the Civil War, World War I, World War II, the Vietnam conflict or Operation Iraqi Freedom? It is not really clear in this piece of legislation.

I think if you visit Iraq and the facilities that we have to hold prisoners of war or enemy combatants or if you have visited Gitmo, Guantanamo Bay, and the facilities we have there, I have been to both locations, and from my observation and my perspective as a Member of Congress from Kansas and the oversight that I have tried to conduct, we have conducted our incarceration of these people at a level that exceeds the Geneva Convention requirements. We have treated these people over and above those requirements so I am not really sure what I am trying to get to.

Even in Gitmo, or Guantanamo Bay, if these enemy combatants have tried to take their own life through starvation, we have gone over and above any requirements that are included in the

Geneva Convention to keep these people alive. We even put them in the type of container so that we can give them food and nourishment to keep them alive. We have gone over and above.

So what we are trying to do, I think, in this language and with great respect to the gentleman from Missouri is something I think that goes beyond what we need to expose to public debate in order to keep this country safe.

We have tried to explain to the American public that we are going to do everything that is necessary to keep the American public from exposure to terrorist attacks. Part of that requirement says that we must take detainees, enemy combatants who have chosen to inflict harm on the American public, to a situation where we can get information from them to keep from further attacks occurring in America.

Now, in order to do that we have to put them in facilities, treat them with respect, give them access to any religious capabilities, but doing that in a fashion that we still keep them in a position where they can yield to us information that will keep Americans safe from attack from terrorists.

Now, this has gotten a great deal of public attention from headlines in the national media. Part of the problems that we face as Members of Congress is that we do not react to headlines, but react to proper policy. Headlines can be without substantiation. Headlines can be based on partial facts. Headlines can be based on things that are not complete in their basis of intention. So what we have to do is, as Members of Congress, is take out all of the problems that are taken through these headlines that are not related to the facts, move that aside, and base our decisions on the facts.

What we are trying to do is protect the American public, number one. Number two, make sure that we treat these people with respect who are enemy combatants. And, number three, remember the point that it is against the law in America, no matter where you are on the face of the globe, if you are an American citizen you cannot torture an enemy combatant or a prisoner of war. It is against the law. If you do it, it is against the law. If it is a secret prison, whether they exist or not, it is against the law. If it is Gitmo, if it is Iraq it is again the law to torture anybody.

So to inform that we are doing that in some secret prisons and somewhere in Europe or in Asia or somewhere on the face of the globe is absolutely wrong because if you do commit torture as an American citizen, it is against the law.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. One of the tragedies of this debate over torture over the last several months has been a clear message going out from the media that

somehow the United States has gone out, the theme has gone out, carried on in American media, that somehow Americans are debating whether or not to stop torturing people.

In fact, torture is banned. It is under title XVIII, United States Code, I believe section 2348, which says under the word "torture" that if you torture someone, whether you are an agent of an intelligence agency or a uniformed soldier or just an average American, if you torture somebody, you can get up to 20 years in prison; and if you kill them while you are torturing them, you can be executed by the United States of America.

So the idea that somehow torture is not banned by American law and it does not carry heavy criminal penalties has been lost on the American media. One well-known reporter asked me does it really use the term "torture" in this United States Code. And I showed that person the code and said, yes, it does, right there; and it has been banned for a long time.

It has also been banned in our signature, the effect of our signature on the anti-torture treaty. So I thank the gentleman for that clarification.

Mr. TIAHRT. Mr. Speaker, the two points I want to make in conclusion are very clear. Number one, it is against the law to torture anybody. If you are held in detention as an enemy combatant or prisoner of war or even in our civil prison system, it is against the law to torture anyone. Number two, after my personal review of Guantanamo in Cuba and the prisons in Iraq, we have exceeded the requirement of the Geneva Convention. We have taken care of our prisoners better than the requirements in the Geneva Convention.

If you go to Guantanamo Bay today and you walk through the prison cells, you will see that we have indicated the direction of Mecca. We have given them the ability to have a Koran which is not touched by the hands of infidels. We give them all respect to their religion, to them as human beings. They are properly fed. We will not even allow them to starve themselves to death because we believe that it is more important to keep these people alive than it is to take their life because they are enemy combatants. We have gone over and above the requirements. And I think as Americans we should be proud of what our troops have done in containing these enemy combatants, in containing prisoners of war.

Wherever it is on the globe, we do not commit torture because it is against the law. We exceed the requirements of the Geneva Convention. So I think that this piece of legislation as modified from the Senate is not required. It is, I think, inefficient and it should not be voted into law. I think that what we have done is proper and within the law and with respect to all human beings on the face of the Earth.

Mr. SKELTON. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Missouri (Mr. SKELTON) has 20½ minutes remaining. The gentleman from California (Mr. HUNTER) has 9 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was William Shakespeare who once said, Me thinkest thou protest too much.

Why are those speaking against this motion doing so? Are not they anxious to learn the truth? That is what this is, an informational inquiry.

We have been hearing discussions from our friends on the other side, particularly my friend from Kansas, about something else. He did not address this particular motion.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I had not intended to speak tonight, but I felt I must in light of what has been said about the operations of the Intelligence Committee on which I sit.

It has been suggested that this motion is unnecessary because we are already conducting full oversight. Oversight means collecting the information and then acting on it. That is what oversight is. That is what is expected of Congress under the Constitution. We have not conducted that oversight.

On the committee, as a committee, the House Permanent Select Committee on Intelligence has not collected information about purported possible or former detention facilities currently or formerly operated by the United States Government, regardless of location, where the detainees in the global war on terrorism are or were being held.

Perhaps the chairman has had some briefings, because there are very many things that the chairman of the committee gets to hear that the rest of the committee does not, but we have not. The ranking minority member has told me that she has not. This motion would be worthwhile to be undertaken.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of our time.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I think it is really a little bit beneath what our committee represents on armed services to think that Mr. SKELTON would be responding to headlines.

Mr. SKELTON brings this motion because of what was in the Senate bill that was supposed to be under consideration for us during conference, a conference which we have not had.

Geneva Convention in our known facilities? Perhaps that is true. I expect it is true and it should be true, but that is what we are talking about.

Mr. Rumsfeld routinely responds to these questions on behalf of the Department of Defense. This question is before us because it is in the bill that we have to take up by way of conference. And the question that needs to be answered I raised publicly with the chairman while Senator WARNER was there and while Ms. HARMAN was there.

I asked does this language or anything having to do with the accusations that have been made whether in the newspapers or elsewhere, does any of that find its way into this bill, into our conference discussions in a way that deals with the outsourcing of torture, with renditions, a word which is now coming into our nomenclature, where we send people out for others to do it. That is at stake here and is clearly and explicitly involved in the motion to instruct. That is what we are trying to deal with.

□ 2230

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, the gentleman has spoken very eloquently about the Defense authorization bill and instruction. Will the gentleman tell me how this motion to instruct has anything to do with the defense authorization bill? If the gentleman will answer the question I just posed, because I am confused, which happens often.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman is confused, it is the first time in my entire relationship when such was the condition.

Mr. MCHUGH. The gentleman's very kind but very inaccurate, but in any event, the motion to instruct, as I understand it, has nothing to do with this Defense bill. It has everything to do with the Intelligence Committee.

Mr. ABERCROMBIE. Mr. Speaker, we have gone through this. Whether the gentleman likes that it is before us in this context is really beside the point. I would have preferred it in another context as well, but we have to deal with the reality that it came to us as a result of the Senate action and is on the floor. If it was inappropriate, if there was some parliamentary reason for it not to be here, I expect we would not be having the discussion.

So my answer to the gentleman is that I am trying to deal with it in the context within which it has been presented, and I would like to deal with the substance of the issue rather than the process.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

I would say I appreciate the gentleman's comments. My question was predicated upon the gentleman's assertion that this motion to instruct was related to this Defense bill when, in fact, it is not. The gentleman may wish to interject arguments about whether or not it is important or is not.

My single point was this has nothing, with a capital N, to do with the De-

fense authorization bill. It is a motion to instruct another committee to do something that this committee does not have jurisdiction over.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I quite understand the gentleman's position, and what I was trying to do in good faith in response was say, I cannot argue the process with you. In fact, I am willing to concede even on process, but it is the substance which is before us right now in the Defense bill that came to our attention in the House, and that is what I think we need and that is what I was trying to respond to was the substance. I will not argue with the gentleman about whether the process is correct or not.

Mr. MCHUGH. Mr. Speaker, reclaiming my time, my point was not to debate the process, not to disagree with the substance, but rather to talk about the accuracy of the gentleman's words which were inaccurate.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

I understand the gentleman from Hawaii, and I checked to make sure I understood him correctly and the facts correctly, is that the Senate has offered an amendment which is included in the Defense bill which is being conferred, the very bill to which this motion is being directed, that we take the Senate language that is in the Defense bill. So, obviously, it is absolutely relevant on the bill that is going to conference. In fact, it would not be relevant in any other piece of legislation.

I suggest to my friend that the gentleman is correct, it ought to be offered in a relevant time, and now is the relevant time.

Mr. MCHUGH. Mr. Speaker, if I may reclaim my time, I do not disagree with the gentleman that the Senate, as the Senate does, has done something that should not be done. It is something inappropriate and something totally based upon the rule of no rule. I agree with the gentleman.

However, the gentleman from Hawaii's context was to the House bill, which has no application, no provision, to this. That was the relevancy in my comments. That is all I was questioning was his comment relevant to the House bill. There is no provision, as there should have not have been, because this is not relevant to the House bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 30 additional seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for the time.

My reference, in fact, was to what was in the Senate bill. This is the only way we get to discuss it, and here we have spent the last few minutes arguing process.

The substance here is very, very simple and direct. Are we outsourcing torture to third parties and pretending, by citing what Americans are required to do under American law, that such a thing is not taking place? That is what we need to bring forward in terms of what this does, and that is what we need to debate here tonight.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

My good friend from New York failed to read the part of the Senate bill that makes this all correctly before us. In section 1047, subsection A, the President shall ensure that the U.S. government continues to comply with the authorization reporting notification requirements of Title V of the National Security Act of 1947. The National Security Act of 1947 deals with this subject matter before us.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, the process for consideration of the Defense bill this year has been a disappointment. Conferees appointed tonight, and the bill will probably come out tomorrow. We have had a very limited opportunity to meet, debate and discuss the bill.

It is my understanding, primarily from press reports, that a provision is being considered affecting Channel Islands National Park off the coast of California, specifically Santa Rosa Island, effectively taking control away from the National Park Service.

The history of this is that in 1986 our tax dollars spent \$30 million to make this island part of the National Park Service. A plan has continued in which a group of business people who were grandfathered in at the time have been managing hunts of trophy elk and deer, literally for thousands of dollars a hunt. This will phase out in the year 2011, five years from now, and this island will be returned to its natural state as part of the National Park Service.

Here is the problem. This provision is going to be put in the Defense bill. I called up today to the management company that manages this island. They referred me to a spokesperson. I called that person and the call said I will be out of the office from December 13 until December 19 and I am not available for questions; I do not think I am going to be checking messages. I called back to the management company on the island. They say that is it.

So here is the situation. This provision involving Channel Islands National Park was not in the House bill, was not in the Senate bill. The gentleman from New York (Mr. McHUGH) was talking about jurisdiction. There is no jurisdiction for this bill. No hearings, no notice, no jurisdiction, no re-

quest from the Department of Defense, the National Park Service, the Department of Interior or the Department of Veterans Affairs.

Both California senators are opposed. The gentlewoman from California (Mrs. CAPPS), the House Member of the district, is opposed, and yet mysteriously this provision is rumored to be appearing in the conference report.

It is not the way to be doing business on the Defense bill in a time of war, and I hope that this provision will not be in the conference report when we consider it tomorrow.

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the chairman of the full committee.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me the time.

The gentleman from Arkansas has just discussed the park for Santa Rosa Island and the idea that I wanted to use that great resource for Marines and soldiers and paralyzed veterans and allow them a chance to have recreational opportunities, and I guess I have to plead guilty.

This came about when I was passing that island with a car full of Marines who had just returned from Iraq. They mentioned to me that that is one of the great resources on our coast. It is owned by a family which does charge a lot of money to people to hunt and fish. One of them said, you know, it would be great if they did not exterminate all the deer and elk on that island because the Park Service has a plan, and it is a written plan, and I have seen it, to exterminate with helicopters every single deer and elk on this beautiful island.

The Marines continued, it would be great because that is such a neat place, and it is the kind of place where people in wheelchairs can access that great sport of hunting and fishing, if we could have some kind of a permission to continue to hunt and fish there but not pay the \$10,000 that is presently charged but have that when the U.S. government takes it over for paralyzed veterans and disabled veterans and not exterminate every single deer and elk on that island.

That was the intent of this gentleman in placing that provision in the bill, and I find it somewhat ironic that the people who profess to love the wildlife and love the flora and fauna and the environment seem to have no trouble with the National Park Service gunning down every single animal on that island in an extermination operation and not leaving any of that great resource for the people who defend this country.

I thank the gentleman for the time.

Mr. McHUGH. Mr. Speaker, I reserve the balance of our time.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I am proud to rise in strong support of my

friend and ranking member IKE SKELTON's motion to instruct conferees on the defense authorization bill of which I am a conferee.

Mr. SKELTON's motion would ensure that the conference report keep a vital Senate provision that is in the bill on the Senate side which would require that the Director of National Intelligence report to Congress on what may be a covert CIA prison system.

While it is vital that the military be given the proper intelligence to fully prosecute the war on terror, I am deeply concerned, as are many Americans, that the administration and the CIA may be resorting to illegal and immoral tactics that are destroying our national credibility and threatening the safety of our own troops should they be captured by the enemy.

The war on terror is in large part a battle of ideas and accounts of prisoners being whisked away off European streets and elsewhere by the CIA to be interrogated at secret facilities, beyond being unconscionable, undermine our reputation and the spread of our democratic values.

If we had had a conference that actually met, and if we had actually been able to talk about this issue, I think we would have had the same kind of response that the Senate did, which was an overwhelming vote in favor of having these provisions included in the bill, but we did not have a conference. We still have not had a conference where we have all met.

What I find to be fascinating as a Member of Congress from California, there has been great discussion this evening about the prerogatives of the House and jurisdiction, and we have now a national park in California that has never had a hearing, that the Member of Congress from that district is deeply opposed to having it transferred to the military. Look, we are all for saving the deer and the elk, and we are certainly all for our veterans, but how about regular order? How about doing this the right way?

We would not have a provision, a shameful provision, in this bill that transfers Santa Rosa Island to the military for the purpose of private recreation that is inserted in the 11th hour.

Including this provision is an egregious abuse of power to please certain special interests and would certainly embarrass its proponents at a time when we should be using this bill only to support the young men and women who are fighting and dying in Afghanistan and Iraq.

The provision supported by Mr. SKELTON's motion would restore Congressional oversight by providing vital information on the extent of these facilities, their location, the number of detainees currently being held there and the type of interrogations being conducted at these locations.

Separate but related to this bill I am deeply troubled by a shameful provision regarding the transfer of the Santa Rosa Island to the military for the purpose of private recreation that was inserted at the eleventh hour.

Including this provision is an egregious abuse of power to please certain special interests and should embarrass its proponents at a time when we should be using this bill only to support our young men and women in uniform fighting and dying in Iraq and Afghanistan.

This section was never reviewed by the committee and has no place in this bill and I urge its removal.

I urge my colleagues to support this motion to instruct.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

To my friend from Arkansas, who is the ranking member on the Military Personnel Subcommittee of the Armed Services Committee, the subcommittee on which I chair, I would simply say that I find it somewhat incredible that he would be calling into question provisions in the Armed Services authorization bill that provides in the Santa Rosa Channel Islands chain the opportunity for disabled veterans to have recreational opportunities.

I would say as the chairman of that subcommittee, the question is not why we have done it. The question is, why has it taken us so long to do it, and I cannot believe that if a vote were up today to whether or not we should authorize that kind of activity in that area, the distinguished gentleman from Arkansas would vote no, and yet he questioned it.

□ 2245

Let me say that at the end of the day, Mr. Speaker, this motion to instruct is misplaced, it is misguided, and, quite frankly, it is political. Let me just read to you the opening lines of the reference to the Senate bill that is contained in this instruction. It says: "The President shall ensure that the United States Government continues," continues, as if the President would not, "continues to comply with the authorization, reporting, and notification requirements in title V of the National Security Act of 1947."

I have stood here, Mr. Speaker, and listened to the entire debate. Not once did any speaker on the other side suggest, imply, accuse the President, anyone in the administration of not abiding by that provision. And yet they are here tonight trying to suggest in a bill that has no jurisdiction over the Intelligence Committee that somehow we should instruct that Intelligence Committee to comply and require that the President do something that he is already doing. This is, sadly, Mr. Speaker, politics at its worst.

There is nothing really substantially wrong in what this instruction requires, except that this House, this floor, at a time of war, on the very day the Iraqi people went, over 10 million strong, to vote for democracy, we should be casting a vote that somehow calls into question the integrity of this administration, an administration that has freed 50 million people between Afghanistan and Iraq, an administration that today, with the support of this Congress on a bipartisan, bipartisan level, agreed and supported that.

This instruction should be rejected not on its substance but on its politics.

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

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. First of all, Mr. Speaker, the allegation that somehow this is a political thing is troubling, given that this provision that is being discussed by the gentleman from Missouri is part of the Senate defense bill. It is why it is on the floor. Our side, regardless of what we think about the specific provision, has every right to have a motion to instruct on a provision that is in one of the two bills.

With regard to the provision that is not in either bill, which is the one with regard to the Channel Islands National Park, the allegation that somehow I am against veterans or against veterans with disabilities, by that rationale every national park in the country, we should say, is open for hunting by all veterans with disabilities. The point is, this is a national park. Under the Reagan administration, \$30 million was paid to make this part of the national park with a management plan that is being followed.

Now, perhaps Mr. HUNTER has the right idea with this plan, I do not know. We have had no hearings about it. I know that it does not fall under the jurisdiction of the House Armed Services Committee; but to make an allegation that somehow I am opposed to veterans, I do not hear anyone suggesting we take the entire National Park System and because we are at a time of war we should open all the national parks for hunting.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. MCHUGH. I thank the gentleman for yielding. I would just say to him that I never accused him of being against veterans. What I said was, I find it incredible that the gentleman would be against this provision that opened this park, and I named the specific park, to disabled veterans.

Does the gentleman disagree? Are you against that?

Mr. SNYDER. Reclaiming my time, I am opposed to this park being taken from the National Park System. It is part of the National Park System.

Mr. MCHUGH. Then you are against it. I respect your opinion.

Mr. SNYDER. There is a place for hunting. This place is open to the public.

Now, the issue is the process by how we got here to preserve our national parks. The current management company there has introduced elk and deer that are not native to the island. They are threatening the species of plant life that are native to the island. That is why the National Park Service has a plan to phase out the hunting in the year 2011.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

This country is blessed with a powerful and brave military. We have incredible natural resources and the strongest economy in the world. But the greatest strength of this country is our reputation for the adherence to human dignity as a core value of our country. The issue in this motion to instruct is whether we are strong enough and confident enough in that value that we are not afraid to make sure that it is true.

We have heard some comments from the other side about accusations being made or not being made about what is happening. There are no accusations here. There is a desire to understand what the facts are.

A country that is strong enough to be self-critical is truly strong, an administration that is strong enough to be evaluated is truly strong, and a Congress that is strong enough to do its job of oversight is truly strong enough to carry out its constitutional responsibilities. This country is able to rally people around the world to our cause because people around the world believe that we hold human dignity as a core value.

It is my belief that there is probably no record of torture anywhere that can be found. And that is precisely the point we want the rest of the world to know, so that those who defame us are not telling the truth about us. But if we are confident in that core belief and we are confident in our behavior, then we will be confident enough within reason of national security to let this Congress know, to let the country know, and let the world know that we practice what we preach.

We should vote "yes" for this amendment because we are strong, because what we say are our core values are in fact our core values in practice. Vote for Mr. Skeleton's amendment because its reflects those core values.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I would ask my friend if he would yield to a question, because I am looking here at the motion that he has, and it basically refers to the majority's bill and instructs them, according to their bill, and it is within our jurisdiction to do that. And it gives them the jurisdiction to follow up, does it not?

Mr. SKELTON. If the gentleman will yield, yes, this part of the Senate bill became part thereof as a result of the majority chairman of their Senate committee.

Mr. KUCINICH. Taking back my time, Mr. Speaker, you see, we have a right as a Nation to defend ourselves, but we do not have any right to shred the Constitution or to nullify the role

that Congress has as a coequal branch of government or to nullify the right we have to give motions to instruct. We have an absolute right to do that.

Now, this all goes back to 9/11, where all the fear has been created; and we have people now more concerned about leaks and more concerned about open discussion exposing secret prisons than they are in exposing those prisons. People want to deny congressional oversight and deny the power of co-equality.

I mean, the facts are that there is a real body of evidence suggesting that secret prisons do exist; that there has been rendition; that people have been basically taken off the streets, moved to countries that use torture, and violations of human rights. I mean, what is happening to our country?

Let us look at our Constitution. We have *habeas corpus*, people have a right to be told what crime they have committed, they have a right to an attorney and to a fair and speedy trial. Now, why do we have those things? Because in America we stand for something.

So we are, in effect, permitting the shredding of our Constitution. The violation of international law. What has become of our Nation when we do not challenge that or at least have the opportunity to support Mr. Skeleton's motion to instruct, which is our right to do, to go along with what has already been approved in the Senate, and to say, look, we think that there ought to be a role for the Director of National Intelligence to give a report to the Intelligence Committee setting forth the nature and cost and otherwise providing a full accounting on any clandestine prison or detention facility currently or formerly operated by the United States Government regardless of location.

Look, let us remember what we stand for as a Nation. We are losing sight of that here. We are becoming something that could be called in another era un-American. Let us stand for our American values here and support the Skeleton motion.

Mr. Speaker, I wish to insert for the RECORD the following articles relating to my comments:

[From the Free Republic, June 6, 2005]

**U.S. RUNNING 'ARCHIPELAGO' OF SECRET PRISONS: AMNESTY INTERNATIONAL**

WASHINGTON.—The U.S. government is operating an "archipelago" of prisons around the world, many of them secret camps into which people are being "literally disappeared," a top Amnesty International official said Sunday.

Amnesty International executive director William Schulz criticized the administration of U.S. President George W. Bush for holding alleged battlefield combatants in "indefinite *incommunicado* detention" without access to lawyers in an interview with Fox News Sunday.

Schulz was pressed to substantiate Amnesty's claim in a May 25 report that the U.S. prison camp at the Guantanamo Bay, Cuba naval base—where hundreds of foreign terror suspects are being held indefinitely—represents the "gulag of our times."

The gulag claim, referring to the notorious prison camp system of the Soviet Union, has

drawn withering criticism from the U.S. president, who called it "absurd." Vice President Richard Cheney and Defense Secretary Donald Rumsfeld have also slammed the rights group's claim.

Russian 1970 Nobel Prize winner Aleksandr Solzhenitsyn described the Soviet prison camp system in his best-selling book "The Gulag Archipelago."

Schulz said the gulag reference was not "an exact or a literal analogy."

"But there are some similarities. The United States is maintaining an archipelago of prisons around the world, many of them secret prisons into which people are being literally disappeared—held in indefinite *incommunicado* detention without access to lawyers," Schulz told Fox.

Asked how AI could compare the detentions of millions of Soviet citizens in the gulag system to purported anti-U.S. combatants captured on the battlefield, Schulz said some of those held in Guantanamo "happened to be in the wrong place at the wrong time."

"We do know that at least some of the 200 some prisoners who have been released from Guantanamo Bay have made pretty persuasive cases that they were imprisoned there, not because they were involved in military conflict but simply because they were enemies of the Northern Alliance," he said.

Schulz called for an official probe into the alleged rights abuses at U.S. detention centers around the globe.

Amnesty refers in the May 25 report to Rumsfeld and U.S. Attorney General Alberto Gonzales as alleged "torture architects."

The United States "should be the one that should investigate those who are alleged at least to be architects of torture, not just the foot soldiers who may have inflicted the torture directly, but those who authorized it or encouraged it or provided rationales for it," Schulz said.

According to Amnesty, Rumsfeld provided "the exact rules, 27 of them in fact, for interrogations, some of which do constitute torture or cruel, inhumane treatment," Schulz said.

The Guantanamo Bay camp and U.S. detention practices have been the subject of renewed debate in recent weeks, sparked by a Newsweek magazine report—since retracted—that Guantanamo interrogators flushed a Koran in a toilet to rattle Muslim prisoners.

Amnesty is not the only rights group to have called on Washington to investigate alleged abuses at the camp—Schulz pointed to released FBI documents that also raised concerns about Guantanamo interrogations.

U.S. officials insist such concerns are unfounded, and that the "war on terror" detainees are treated as humanely as possible.

U.S. soldiers have been tried and punished for abusing detainees—notably at Iraq's Abu Ghraib prison, where at least one captive died—but U.S. officials say those are isolated incidents.

The furor sparked by Amnesty's claims shows no signs of abating.

The New York Times said Sunday that the Guantanamo Bay prison should be closed down, saying it had become "a national shame" and a "propaganda gift to America's enemies."

"What makes Amnesty's gulag metaphor apt is that Guantanamo is merely one of a chain of shadowy detention camps that also includes Abu Ghraib in Iraq, the military prison at Bagram Air Base in Afghanistan and other, secret locations run by the intelligence agencies," the Times said.

The Washington Post, whose editorial page has been more critical of Amnesty's gulag claim, reported Sunday—citing Schulz—that Amnesty's donations have quintupled and

new memberships have doubled in the past week since it released its report. (Wire reports)

[FROM THE WASHINGTON POST, WED. NOV. 2, 2005]

**CIA HOLDS TERROR SUSPECTS IN SECRET PRISONS**

(By Dana Priest)

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The hidden global internment network is a central element in the CIA's unconventional war on terrorism. It depends on the cooperation of foreign intelligence services, and on keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions.

The existence and locations of the facilities—referred to as "black sites" in classified White House, CIA, Justice Department and congressional documents—are known to only a handful of officials in the United States and, usually, only to the president and a few top intelligence officers in each host country.

The CIA and the White House, citing national security concerns and the value of the program, have dissuaded Congress from demanding that the agency answer questions in open testimony about the conditions under which captives are held. Virtually nothing is known about who is kept in the facilities, what interrogation methods are employed with them, or how decisions are made about whether they should be detained or for how long.

While the Defense Department has produced volumes of public reports and testimony about its detention practices and rules after the abuse scandals at Iraq's Abu Ghraib prison and at Guantanamo Bay, the CIA has not even acknowledged the existence of its black sites. To do so, say officials familiar with the program, could open the U.S. government to legal challenges, particularly in foreign courts, and increase the risk of political condemnation at home and abroad.

But the revelations of widespread prisoner abuse in Afghanistan and Iraq by the U.S. military—which operates under published rules and transparent oversight of Congress—have increased concern among lawmakers, foreign governments and human rights groups about the opaque CIA system. Those concerns escalated last month, when Vice President Cheney and CIA Director Porter J. Goss asked Congress to exempt CIA employees from legislation already endorsed by 90 senators that would bar cruel and degrading treatment of any prisoner in U.S. custody.

Although the CIA will not acknowledge details of its system, intelligence officials defend the agency's approach, arguing that the successful defense of the country requires that the agency be empowered to hold and interrogate suspected terrorists for as long as necessary and without restrictions imposed by the U.S. legal system or even by the military tribunals established for prisoners held at Guantanamo Bay.

The Washington Post is not publishing the names of the Eastern European countries involved in the covert program, at the request

of senior U.S. officials. They argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation.

The secret detention system was conceived in the chaotic and anxious first months after the Sept. 11, 2001, attacks, when the working assumption was that a second strike was imminent.

Since then, the arrangement has been increasingly debated within the CIA, where considerable concern lingers about the legality, morality and practicality of holding even unrepentant terrorists in such isolation and secrecy, perhaps for the duration of their lives. Mid-level and senior CIA officers began arguing two years ago that the system was unsustainable and diverted the agency from its unique espionage mission.

"We never sat down, as far as I know, and came up with a grand strategy," said one former senior intelligence officer who is familiar with the program but not the location of the prisons. "Everything was very reactive. That's how you get to a situation where you pick people up, send them into a netherworld and don't say, 'What are we going to do with them afterwards?'"

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDermott).

(Mr. McDermott asked and was given permission to revise and extend his remarks.)

Mr. McDermott. Mr. Speaker, this Congress ought to support Mr. Skelton's motion because the reason we are here is that the United States Congress has refused to use its power of oversight to look at what we have been doing overseas. Have we had hearings about Abu Ghraib? Have we had hearings about secret prisons in Romania, in Poland, or wherever?

The Republican leadership of the House says we are not going to look. We simply will hold our hands over our eyes and we will not look out there to see what is going on. Unfortunately, there is the rest of the world. There is the *Guardian* newspaper, there are newspapers in France and Germany and all over the place looking at this information, and it is now worldwide known what we are doing. Yet the Congress walks around here, see no evil, hear no evil, speak no evil.

This Congress has abrogated, you have given up your responsibility of oversight. Mr. SKELTON brings out a simple amendment that says, let's follow the Senate, which has gotten up on their hind legs and said, let's have some oversight in what we're doing, and suddenly you guys object.

It is clear what you don't want people to know. You don't want the people to know what went on in the Vice President's office or in the White House or what was going on when the Attorney General—

Mr. McHugh. Mr. Speaker, will the gentleman yield?

Mr. McDermott. No, I am not going to yield. You don't know how to play the game. You have got to learn the rules.

When you let the Attorney General of the United States say that torture in certain circumstances is probably all

right, man, you have opened the door to disrepute.

#### PARLIAMENTARY INQUIRY

Mr. McHugh. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman may state his inquiry.

Mr. McHugh. The gentleman from Washington suggested I did not know the rules. Is it not within the rules for a Member to ask another Member to yield?

The SPEAKER pro tempore. It is within the rules for a gentleman to ask another gentleman to yield.

Mr. McHugh. So in the context of the gentleman's response, I did know the rules; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. McHugh. I thank the Speaker.

□ 2300

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Senate of the United States passed a section to which I would like to have as a centerpiece in my motion to instruct conferees to adopt. By a vote of 82-9 the Senate adopted this amendment which was offered by the chairman of the Senate Intelligence Committee.

I do not understand why some people do not want to learn the truth. That is what this is. It is an attempt to have a provision that allows us in the Congress of the United States, both the House and the Senate, under the provisions of this language to learn the truth. We do not want to learn things from the front page of a newspaper. We want to learn things as they should be properly reported to us from the White House which this motion to instruct would require. It is that simple.

The other side seems to wish to confuse the issue which causes me to scratch my head as to why they oppose this motion to instruct. It is clear-cut. A huge majority of the Senators, both parties, voted in favor thereof in the Senate.

Mr. Speaker, I urge adoption of my motion to instruct, and I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I rise today in support of the Skelton motion to instruct. Two years ago, the image of the United States was tarnished by photographs of prisoner abuse at Abu Ghraib. The photographs drew condemnation from members of Congress, the American people, and the world. At a time when we were professing American values, these photographs told a story of secrecy and disgusting abuse.

That's why the *Washington Post*'s revelations about the CIA's clandestine detention facilities last month are so troubling. We all understand the difficult job our interrogators have in trying to pry useful intelligence from tough, hostile prisoners. We all believe that the vast majority of our interrogators perform their jobs admirably and within the rules, and the information they have obtained has served as the intelligence foundation of our War on Terror. But at a time when the wounds of Abu Ghraib

have still not fully healed, fresh allegations of secrecy and questions about interrogation have the potential to reopen old issues of abuse that we have struggled for months to put to rest.

The President has said that "we do not torture" prisoners, and I take him at his word, but we have the right to ask for answers about clandestine facilities supplied, of course, in classified form.

The Skelton motion to instruct simply calls on the President to disclose to the Congress the nature, cost, location and operations of the detention facilities referenced by the Post, and the ultimate disposition of the detainees that are held there. This would in no way hinder the effectiveness of interrogations, but it would go a long way toward showing the world we are serious about preventing prisoner abuse. As Senator McCain so eloquently said, "We are Americans. We hold ourselves to humane standards of treatment of people, no matter how evil or terrible they may be . . . The enemy we fight has no respect for human life or human rights. They don't deserve our sympathy. But this isn't about who they are; this is about who we are. These are the values that distinguish us from our enemies." I urge my colleagues to support the Skelton motion to instruct. All it seeks is information to which we are already entitled under Title 50 of the U.S. Code, and information we need to fulfill our duties under Article I, Clause 8 of the Constitution.

The SPEAKER pro tempore (Mr. REHBERG). 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 Missouri (Mr. SKELTON).

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

Mr. SKELTON. 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.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 334

In the Senate of the United States, December 15, 2005.

Whereas William Proxmire served in the Military Intelligence Service of the United States Army from 1941 to 1946;

Whereas William Proxmire served the people of Wisconsin with distinction from 1957 to 1989 in the United States Senate;

Whereas William Proxmire served the Senate as Chairman of the Committee on Banking, Housing, and Urban Affairs in the ninety-fourth to ninety-sixth and one hundredth Congresses;

Whereas William Proxmire held the longest unbroken record for roll call votes in the Senate;

Whereas William Proxmire tirelessly fought government waste, issuing monthly