

her desires in this regard, but we are the ones that have to decide this. We are the ones that have to exercise the oversight.

So I say to you, Mr. Speaker, that these are very, very serious allegations. No question about that. I do not come here this evening speaking with any kind of relish or enjoyment of what is required of us here. But I can tell you I was a probation officer in my life. I have been an officer of the court. I have had professional responsibilities in county jails, in San Quentin Prison. I know what it is like to have to conduct drug tests. I know what it is like to appear at a booking desk every morning year in and year out. I know what is involved in investigations in arrests and prosecutions.

I know what is involved in making reports on what needs to be done and how it should be done and what the conducts of officers of the courts are with respect to the management and maintenance of jails and prison systems.

I have legislative responsibilities with regard to how prison systems are run and under what circumstances and what is required of the personnel as a legislator. I have been the chairman of a committee with responsibility for the police departments in Honolulu, the Honolulu Police Department, under the jurisdiction of the committee that I was privileged to serve on and chair in the city and counties of Honolulu. I understand what is at stake in prison system, and I know this from my own personal experience, what is required in a prison system is, first of all, certainty, certainty.

You must know from the top to the bottom exactly what the rules are. Certainty and activity. Those are the two fundamentals. Once you have those established in a prison system, then you know where you stand. Nobody can talk to me about failure to train some National Guard operatives on the jail cell level and tell me that they were operating on their own. That does not happen, Mr. Speaker. It does not happen in the county jail. It does not happen in a state prison. And it does not happen in a Federal prison system. Certainty from top to bottom is required. If it does not exist that is failure of leadership that has to be accounted for and responsibility has to be taken.

So far as I can see right now, there is some reprimands being handed out. There are some court-martials being held at the lowest possible level. And yet we have two reports, the Ryder report and the Taguba report, that I do not believe for a moment did not see the light of day at the general officer level and at the highest levels of the Department of Defense.

If it is true that the President of the United States was not informed by his Secretary of Defense as to what the situation was and what was likely to happen, that is dereliction of duty on the part of the Secretary vis-a-vis the President of the United States. It is far

worse in my estimation that you let down the person who has entrusted you, entrusted you with the responsibility for carrying out the executive policies of this Nation.

It is bad enough that the Congress of the United States was not informed. But they have the President of the United States left in the dark on something that was sure to have incredible negative ramifications with respect to Iraq and the position of the United States is unforgivable. It is intolerable. But I know as sure as my own experience indicates, that it is not possible for the leadership at the levels that I have discussed not to have been aware that at minimum the possibilities of this disaster was there and needed to be addressed. At a minimum. And worse, that they knew it was going on and tolerated it.

We need to have a full exposure of exactly who knows what. Not because, Mr. Speaker, I wanted to have some kind of a media field day or some kind of a tabloid extravaganza, but because the very responsibility of this Congress is at stake. Either we are informed, Mr. Speaker, about what the situation is and where we are going so that we can make a decision with regard to oversight or we are not.

So, Mr. Speaker, in conclusions, I want to ask you in your role as Speaker, to acknowledge the facts that this is a requirement of the Congress of the United States, that we exercise oversight on behalf of the people of this Nation and the values of this Nation. If we do not do it, Mr. Speaker, who is going to do it?

It is apparent that no one wants to take responsibility in the Department of Defense. No one wants to take responsibility in the military at the present time. No one is exploring right now exactly what the boundaries were or were not. No one is examining the role of private security corporations in the intelligence gathering on behalf of the United States military and on behalf of the security interests of this Nation. No one asked me about it, I can assure you on the Committee on Armed Services as to whether I thought that was a good idea. I cannot speak about the Permanent Select Committee on Intelligence, but I am hard pressed to think that the Permanent Select Committee on Intelligence, Republican or Democrat, this has nothing to do with the partisan nature of any kind of political discussion we might be having, but it is difficult for me to believe that anybody on the Permanent Select Committee on Intelligence sanctioned such a thing or that there was knowledge of it in the Permanent Select Committee on Intelligence or that it would not have been shared with the Office of the Speaker at a minimum with the leadership of both sides of the aisle.

We have to have an understanding of whether our role as overseers of the United States strategic interests is going to be honored. If we do, then per-

haps we can reestablish some credibility. If we do not, then I fear that the role that Secretary Rumsfeld has assumed for himself, namely, chief operating officer of the United States, without any responsibility to the chief executive of this Nation, the President of the United States, or any responsibility to the Congress of the United States. He gets to decide what we will do and what we will not do. He gets to decide whether or not this country is going to be put into a series of circumstances and situations that are totally untenable in terms of the values of this Nation or what the goals and aspirations we have with regards to our security interests and the peace of the world.

I think that we need to have a clear understanding that unless the Secretary can answer these questions he has to consider resigning. He has to consider whether or not we are going to have a cleansing of the way in which this war is being conducted, in the manner in which it was being reported to us in the Congress and by extension to the people of the United States.

□ 2320

I appreciate the fact, Mr. Speaker, that these are difficult questions, that I have only been able to present a summary of what is at stake here; and I appreciate your patience and forbearance as I have enunciated it.

I do think very, very clearly, Mr. Speaker, that there this is something that has to be addressed, and I would hope that the leadership of the House, both majority and minority, will settle on the proper venue, which I personally believe to be the Committee on Armed Services, but perhaps a joint committee situation, in which these issues are explored; and I hope that the Secretary of Defense will be able to answer adequately what his responsibility and obligation is.

HORSE SLAUGHTERING FOR HUMAN CONSUMPTION

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. WHITFIELD) is recognized until midnight, approximately 40 minutes.

Mr. WHITFIELD. Mr. Speaker, the first Saturday in May is a special day in the heart of anyone who considers themselves to be a Kentuckian. It is also a special day in the heart of anyone, whether they live outside of Kentucky or not, whether they are a citizen of some other country of the world, but if that person has a special affinity for a breed of horse called the thoroughbred, the first Saturday in May is a special day because it is on that day that the Kentucky Derby is raced each year.

This past Saturday, the 130th running of the Kentucky Derby was held in Louisville, Kentucky, and a chestnut colt by the name of Smarty Jones

won the race this year. His jockey was Stewart Elliott. His trainer was John Servis. His owners are Pat and Roy Chapman; and as you would expect, winning a race of such importance, they were quite ecstatic. They were happy; they were enthusiastic; they had a large celebration.

I have in my hand a picture of another chestnut colt who won the Kentucky Derby in 1986. This horse was the son of a famous sire called Naginski II. The name of this horse is Ferdinand. The jockey on this horse in 1986 was Willie Shoemaker, and the House of Representatives 6 weeks ago did a resolution in honor of Willie Shoemaker. The trainer of Ferdinand in 1986 was a gentleman named Charlie Wittingham of California. The owners of Ferdinand were Mr. and Mrs. Howard Keck of California; and on that first Saturday in May in 1986, the Keck family and their friends and the trainer and the jockey celebrated with great enthusiasm, in the same way that Smarty Jones and the Chapmans celebrated Smarty Jones winning that race.

When Ferdinand won that race in 1986, the next year, 1987, he went on to win the Breeders' Cup by defeating the 1987 winner of the Kentucky Derby, a horse named Ali Sheba; and in 1987, Ferdinand also was selected Horse of the Year.

When Ferdinand retired from racing, he was the fifth leading money winner in the history of racing, winning over \$3.7 million; and like most horses of his caliber, he was retired for breeding purposes because he had a champion pedigree and he had a champion heart.

On the death of Howard Keck, Ferdinand was syndicated and sold to a Japanese company called J.S. Company, owner of a breeding farm in Japan called Arrow Stud Farm which is located on the northern island of Hokkaido, Japan; and Ferdinand went there in 1994, and he was there for about six breeding seasons.

Initially, he was very popular; but over time, he lost popularity in Japan, and Arrow Stud, either working with or in conjunction with a horse trainer named Watanabe, gained possession of this horse, Ferdinand; and to make a long story short, Ferdinand was slaughtered in a Japanese slaughterhouse. So this was the fifth leading money winner of all time, won the 1986 Kentucky Derby, was 1987 Horse of the Year, won the Breeders' Cup and was slaughtered in Japan.

Interestingly enough, the Keck family of California, before they realized that Ferdinand had been slaughtered in 2002, did everything possible to locate Ferdinand; and they wanted to bring him back to their farm in California for retirement, and finally they found out, it was acknowledged that Ferdinand was slaughtered in Japan.

Other than the Keck family and those who followed the horse industry, this was just another story with a tragic ending. However, it was a story that ended up in the newspapers and peri-

odicals around the world, and from those stories, we suddenly came to realize that in the United States horses are being slaughtered in two locations for human consumption; and the horse meat is being exported to Japan, Italy, France, and Belgium.

There are only two places that this is occurring today. One plant is owned by a French family operating in Kaufman, Texas. The other plant is owned by a Belgian family operated in and around Fort Worth, Texas; and each year they are slaughtering about 45,000 horses in those two plants.

What makes this quite interesting is that the former Attorney General of Texas, who now is in the United States Senate, Mr. JOHN CORNYN, was asked in 2002 for a legal opinion on whether or not the slaughter of horses for human consumption in Texas violated Texas State law. In his opinion, which he rendered in August, Mr. CORNYN, as Attorney General of Texas, issued a ruling that, yes, it is a violation of Texas State law to slaughter a horse, possess a horse, transport a horse for human consumption. He also went on to say it is a criminal offense; and yet, despite this opinion, the two plants in Texas, one owned by a French family, one owned by a Belgian family, filed a lawsuit, and they continued to slaughter horses for human consumption in Texas.

Unlike cattle and pigs and other types of animals, horses in the history of the United States have never been a part of the food chain; and for that reason, Members of the United States Congress, under the leadership, and he has provided tremendous leadership, of the gentleman from New York (Mr. SWEENEY), a Republican, and the gentleman from South Carolina (Mr. SPRATT), a Democrat, both of them introduced legislation to prohibit the slaughter or transport with intent of slaughtering horses for human consumption.

This legislation, as one would expect, has the support of a lot of so-called animal rights groups; but as a Representative of a rural district in Kentucky where we have a lot of livestock, I have never been particularly involved with so-called animal rights groups.

□ 2330

But in addition to animal rights groups, we have a large list of businesses who are supporting this legislation because horses have never been a part of the food chain in America. I want to just read a few of them: Blue Horse Charities; Churchill Downs; Eaton Sales; Fasig-Tipton Company, one of the largest thoroughbred auctioneers in the country; John Gaines, the founder of the Breeders' Cup World Thoroughbred Championship; the Hambletonian Society; the National Thoroughbred Racing Association; the National Steeplechase Association; the New York Racing Association; the Texas Thoroughbred Association opposes slaughter. And I could go on and on and on.

So we have all of these groups that are supporting this legislation to stop the slaughter of horses for human consumption by a French family and a Belgian family to be exported to Europe. And there are only two organizations willing to publicly state that they oppose the legislation to stop the slaughter. One of them is the American Quarter Horse Association headquartered in Amarillo, Texas, although I can tell you we have hundreds of letters from quarter horse owners from around the country who support this legislation; and then the other group, the American Equine Practitioners political arm, has said they oppose this legislation, although we have hundreds of letters from veterinarians from around the country who provide care for horses, say they support this legislation.

Now, one of the sad things about this whole episode of slaughtering horses is that the United States Department of Agriculture has regulations that supposedly regulate the method by which these horses are transported to slaughter. They allow them to be transported in double-decker trailers even though the regulations state that we recognize that many horses will be injured in this process, and they allow stallions to be placed with other stallions which any horseman knows should never be done. Stallions placed with mares, stallions placed with foals, crowded in double-decker trailers.

The Department of Agriculture regulations state we recognize that many of these horses do not have enough head room and so they are bent over. They arrive at the slaughterhouse injured, some dead. They are allowed to be transported up to 28 hours without food, water, or drink; and yet any commercial transporter of horses will tell you that a horse should never be transported for over 7 hours without food, water or exercise, and yet the Federal Department of Agriculture regulations allow 28, up to 30 hours; and even then it frequently is not enforced.

So moving the horses to slaughter is a very inhumane action. And then at the slaughterhouse, the execution is carried out with a captive bolt administered by unprofessionals or non-professionals. The horses' heads are not held, and frequently they have to do three or four jolts before the horse is stunned enough to have his throat slit. It is not a very welcoming site.

And yet because of the method by which this is carried out, the only two entities performing slaughter of horses today are a Belgian company and a French company. In the United States Congress right now without much effort we already have 214 cosponsors of this legislation to stop this practice, primarily because of the efforts of the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT), and I might also say that we do have a very strong coalition working together; and Bo Derek, who is an owner of horses,

has become involved in this issue and has made a big difference as well.

I went with the President of the American Equine Practitioners, who is a veterinarian who opposes this legislation, to the United States Senate; and we had a meeting with JOHN ENSIGN, the Senator from Nevada, who is a veterinarian, and he listened to the debate on the issue. When the debate was over, JOHN ENSIGN made a decision that he was going to introduce this legislation on the Senate side, and has done so with a cosponsor, MARY LANDRIEU, the Democrat from Louisiana. They have a number of cosponsors over there.

So this is legislation that is picking up some real support. I want to take this opportunity to inform Members that it is our intention to continue to push this legislation even though we face many obstacles still within certain points within the House of Representatives. But when this is over, we are going to have in the neighborhood of 230, 240, 250, at a minimum, cosponsors of this legislation.

Now, there is a writer named Matthew Scully, who is a former literary agent of the National Review and an occasional speech writer for President Bush; and he recently wrote a book entitled "Dominion." And in his book, Mr. Scully affirms man's dominion over animals, which is certainly true; we have dominion over animals. But he also reminds us of our responsibility to animals. To quote Mr. Scully: "The care of animals brings with it often complicated problems of economics, ecology, and science. But above all, it confronts us with questions of conscience. Many of us seem to have lost all sense of restraint towards animals and understanding of natural boundaries, a respect for them as creatures with needs and wants and a place and a purpose of their own. Too often, to casually, we assume that our interests always come first, and if it is profitable or expedient, that is all we need to know. Sometimes we are called to treat animals with kindness, not because they have rights, not because they have power, not because they have any claim to equality, but in a sense because they do not, because they all stand unequal and powerless before us."

"It is true that the welfare of animals is not high on most people's priority list and kindness to animals is among the humbler duties of human charity, though for just that reason among the more easily neglected, and it is true there will always be enough injustice and human suffering in the world to make the wrong done to animals seem small and even insignificant."

Matthew Scully goes on and says perhaps that is part of the animal's role among us, to awaken humility and compassion.

□ 2340

We have the power, we have the rights, we have the dominion over ani-

mals; and that is precisely why I believe that the gentleman from New York's bill and the gentleman from South Carolina's bill is so important, because it will be the first time that I know of that we have had a debate in the United States Congress on this important issue facing our old friend. At the horse park in Lexington, Kentucky, there is an inscription that says, "Civilization was built on the back of a horse." So we are going to have a debate in this Congress on whether or not a French company and a Belgian company should violate Texas State law to slaughter our horses to export to Belgium, Italy, France, and Japan horse meat for human consumption, particularly when you consider that horses have never been a part of the food chain in our country.

As we approach the midnight hour and these Special Orders come to a close, I want to once again reiterate that a lot of what has happened on this legislation was the result of what happened to the horse Ferdinand in Japan at Arrow Stud Farm. Under the continued leadership of the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT) and the 214 cosponsors as of today of this legislation and Senators JOHN ENSIGN and MARY LANDRIEU and the other Senators who have introduced this legislation on the Senate side, it is our intent to pursue our goal of making it illegal to slaughter horses in the U.S. for human consumption.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today on account of official business.

Ms. SOLIS (at the request of Ms. PELOSI) for today and the balance of the week on account of official business in the district.

Mrs. BONO (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. ROHRBACHER (at the request of Mr. DELAY) for today on account of caring for his newborn children.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PASCRELL) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and May 5 and 6.

Mr. HENSARLING, for 5 minutes, May 5.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, May 5.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 30, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 4219. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 5, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7935. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Eligibility of Suspended Health Care Providers to Receive Payment of Federal Employees Health Benefits Program Funds; Financial Sanctions of Health Care Providers Participating in the Federal Health Benefits Program (RIN: 3206-AJ42) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7936. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems;