

significant tools and resources to conduct this investigation, including the power to hold hearings, demand documents, interview witnesses, and enter evidence into the record.

At the same time as our committee pursues its inquiry, there are a series of official investigations underway by the Department of Labor and the State of Utah. The investigations by the Mine Safety and Health Administration are of a law enforcement nature—if it is determined that criminal conduct occurred, they can at any time make a referral to the Department of Justice.

Although our committee investigation is still in its early stages, it has already been fruitful. In addition to the single hearing that has been held, we have requested—and the Department of Labor has produced—hundreds of thousands of pages of documents. We have conducted interviews with witnesses, and visited the site of the accident.

Despite the progress that has been made with our significant existing oversight capabilities, the majority today is seeking to confer on our committee the extraordinary power to subpoena witnesses for closed-door, staff-led depositions. This is an authority granted only in the rarest of circumstances, such as the protection of national security, the impeachment of a President, or the alleged defrauding of a national organization by its leadership.

I have serious reservations about establishment of deposition authority at this early stage of our investigation. The majority has not established any clear need for this authority. In fact, we are not aware of a single witness who has refused to cooperate with the committee after an official invitation. Moreover, while the majority has been unwilling to disclose exactly whose testimony this authority is intended to compel, they have indicated that just a handful of individuals are expected to require a subpoena. Members on our side of the aisle are more than willing to cooperate with regular committee procedures including hearings for this purpose, and as such, it remains unclear to me why this authority is necessary.

In addition to being premature and unnecessary, I believe this authority carries with it the possibility of grave unintended consequences. Deposition authority will allow dozens of interviews to be conducted under oath and compelled by subpoena. This could create the possibility of conflicts of interest, privilege claims and rulings, requests for immunity, leaks, and contradictory evidence.

Previous congressional probes should serve as a cautionary tale as we head down this path. Tactics used in the congressional investigation of the Iran-Contra affair caused key testimony against Oliver North to be thrown out, and his convictions to be overturned.

The Acting Solicitor of Labor voiced concerns that this investigation could similarly imperil any civil or criminal enforcement that may be necessary in this matter. In September, he wrote to Chairman MILLER and me, along with the leadership of the House, saying that the Committee's "parallel investigation . . . may compromise the integrity of MSHA's law enforcement investigation and potentially jeopardize its ability to enforce the law and hold violators accountable."

Up to this point, the majority has heeded our warnings and those of the Department of Labor. Our hearing and the series of interviews that have been conducted were structured in such a way as to avoid endangering

the investigations. I'm concerned that by granting this extraordinary deposition authority, the House is backing away from that cautious approach and rekindling the threat that our activities could undermine the aggressive enforcement that MSHA and other investigators have an obligation to pursue.

The deposition authority proposed today is crafted narrowly to cover only the Crandall Canyon mine collapse, and the rules adopted in our committee to govern these depositions were developed fairly to ensure the full participation of the minority. I believe these steps are acknowledgements by the majority that deposition authority is truly an extraordinary step, and must be undertaken with great care. I appreciate their cooperation on these points.

As I have made clear, there are serious questions about the timing and necessity of this narrowly crafted authority. Beyond that, however, I want to be perfectly clear that the specific authority being granted in this instance should in no way be viewed as precedent for future oversight functions of our committee or any committee of this House. Committee rules allow for a range of tools and resources that can be used to conduct rigorous oversight. Any effort to grant broader deposition authority will surely bring greater danger, and therefore greater objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to include extraneous materials into the RECORD on H. Res. 836.

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

There was no objection.

SUPPORT THE VETERANS TIMELY ACCESS TO HEALTH CARE ACT

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this year I introduced H.R. 92, the Veterans Timely Access to Health Care Act. H.R. 92 makes a responsible and reasonable commitment to veterans throughout this country. Under the bill, if a veteran cannot get an appointment with a primary care physician within 30 days, that veteran may see a private physician at no additional cost. Unfortunately, the Veterans' Affairs Committee refuses to move my bill and allow the House of Representatives to vote on it.

This year, I have witnessed the majority leadership use veterans as a political pawn. They've held the Military Construction and Veterans appropriations bill hostage. I won't allow the same thing to happen with veterans access to health care.

I ask my colleagues, regardless of their party affiliation, to stand up and protect veterans as they once stood up to protect you. And I ask the leadership to move H.R. 92.

HOLD THIS ADMINISTRATION ACCOUNTABLE FOR TRYING TO LEAD US INTO WAR AGAINST IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Let's hope that the National Intelligence Estimate will stop the drumbeat of war against Iran. This administration knew full well that Iran did not have a nuclear weapons program in the same way that they knew that Iraq did not have weapons of mass destruction.

Now that Congress knows that the administration misled the Congress and brought Congress into voting time after time after time to isolate Iran, it's time for diplomatic relations, but it's also time for Congress to hold this administration accountable for trying to lead us into a war against Iran. It's time, once again, to start talking about the impeachment of the President and to act upon the impeachment of the Vice President for attempting to mislead us into a war against Iran.

HUMAN RIGHTS IN SAUDI ARABIA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in Saudi Arabia, seven men abducted a 19-year-old woman and her male companion. The seven men then raped the woman. And how does Saudi Arabia treat this rape victim? By ordering lashes and imprisonment for her because they blamed her for being alone with this male companion because he wasn't her spouse.

A Saudi Arabian court originally, listen to this, sentenced her to 90 lashes because she was alone with this individual. As if further victimization wasn't enough, the court just increased the victim's sentence to 200 lashes and 6 months in prison.

The Saudi Arabian Government now seeks to quell international outrage over this sentence by saying the woman was married at the time of the rape but she was with a nonrelative male companion who wasn't her spouse.

No explanation or excuse can justify this punishment for the victim. This woman was victimized by her own nation.

The Saudi Arabian court also removed the lawyer from the case and revoked his license because he spoke to the media. The lawyer now faces permanent disbarment. So much for freedom of speech.

Human rights seem to be absent in Saudi Arabia, because rape victims should not be sent to jail, and even lawyers should have the right of freedom of speech.

And that's just the way it is.

A TRIBUTE TO THE HONORABLE
HENRY HYDE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, last night I was unable to be here when we had a tribute to our departed colleague, Henry Hyde. I just wanted to say this about Henry Hyde: It was a privilege and an honor to serve in this House with him.

I recall a conversation I had with him a number of years ago at which time I talked to him about sometimes did he ever get tired about the fact that people beat him up on the issue of abortion. And Henry thought a minute and he said, You know, as I get older and I think of my own mortality, I look forward to the time when I might be entering those gates into heaven and the voices of all those young children that we saved welcoming me there.

They're giving you a great welcome right now, Henry. We miss you.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CUELLAR). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE SECOND AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Supreme Court is considering Washington, DC's total handgun ban. It is illegal to buy, sell or own a handgun in this Nation's Capital of ours. Of course, DC has one of the highest homicide rates in the entire country.

The center of this debate is a question that has never really been clearly answered. What exactly does the second amendment to our Constitution mean? Did the Framers intend to protect an individual right or provide for State militias?

The second amendment states, "A well regulated militia being necessary to the security of a free state, right of the people to keep and bear arms, shall not be infringed."

Our Founding Fathers risked their lives in the American revolution to create our Nation. They distrusted government, especially a government that wouldn't trust its own citizens.

Our Founding Fathers knew the importance of an armed citizenry from their experiences in the American War of Independence. They trusted an armed citizenry and a citizen militia as the best safeguard against the tyranny of government.

To truly understand the meaning and purpose of the second amendment, we

need to understand the men that wrote the Constitution and what they said when it was ratified. The Founding Fathers were very concerned that a strong Federal Government would trample on individual freedom and individual rights because that's what happened to the colonists, and that's what governments historically do to their people, trample on individual rights.

So after the ratification of the Constitution, the Framers knew that a declaration of rights had to be added to protect basic individual rights, rights that are inalienable, created by our creator and not created by government.

So the Founders looked at the English common law, at the English declaration of rights of 1689, which specified the guaranteed right of the people to bear arms.

Those who claim there is no individual in the second amendment ignore the most basic feature of American rights: Rights in this nation belong to individuals.

The second amendment was included in the Bill of Rights to prevent the Federal Government from disarming the public like the British Army did to American citizens. The right of the free people to defend freedom and protect themselves was so important that it was placed second in the Bill of Rights.

Thomas Jefferson knew the importance of an armed citizenry. He said, "No free man shall ever be debarred from the use of arms."

Samuel Adams wrote that "The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their arms."

And of course James Madison, who helped write the Bill of Rights, once wrote that the Americans had "the advantage of being armed," and that other nations governments were "afraid to trust the people with such arms."

So, Mr. Speaker, the second amendment is a personal right for individuals in this country, and the DC ban is a violation of the United States Constitution, specifically, the second amendment to that Constitution.

And that's just the way it is.

□ 1815

THE SO-CALLED SURGE HAS
FAILED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as a member of the Foreign Affairs Committee, I was pleased to participate in a joint hearing that took testimony from General Petraeus and Ambassador Crocker. It was supposed to be a turning point in the occupation of Iraq. The purpose of this hearing was to get a report from our military and diplomatic

leaders about the record of the so-called surge or escalation in Iraq.

Let's first look at what the main purpose of the escalation really was. According to the chairman of the Joint Chiefs, Admiral Michael Mullen, the surge was to give space for political reconciliation. I quote him here: "Security is critical to providing the Government of Iraq the breathing space it needs to work toward political national reconciliation and economic growth. Barring that, no amount of troops in no amount of time will make much of a difference."

The President celebrates that there has been a short-term downward trend in violence. Of course that would happen. When we put our fighting men and women, the best in the world, on the ground in greater and greater numbers, of course they will bring some form of order. But let's be realistic. This is not sustainable. We cannot keep the same number of troops for very much longer. We simply do not have the resources to do so, and our troops should not have such a task.

So, yes, they are temporarily keeping a lid on the uprising and attacks. In fact, they've reached back to 2006 numbers, which at that time appalled us, and it should not be something we celebrate today. We are missing our ultimate goal. Like the Chairman of the Joint Chiefs said, the purpose of the surge was political reconciliation. If the White House put even half of the resources, political and fiscal, behind political reconciliation, we would be in a much different place right now. We would have a stable and inclusive Iraqi national government, not one propped up by the United States. It would have the support of the Iraqi people, and it would be providing strength and dependable security. That, Mr. Speaker, is not what we have. In fact, just last month, a new deal called the Declaration of Principles was inked between President Bush and Prime Minister al-Maliki. It's basically a blueprint to keep our troops in Iraq indefinitely, and it allows permanent bases.

It may even provide for arming insurgent security forces, which actually looks like arming a militia. The last time we got into the business of arming folks, we ended up with the Taliban. Are we ever going to learn the lesson not to repeat the mistakes of the past? It will be interesting to see how the two leaders will try to jam this latest agreement down the throats of the Iraqi Parliament because the Iraqi Parliament has clearly stated that they are not pleased with the agreement, to say the very least. Let's take a good look at what's going on: The surge has failed. The new White House agreement would keep our troops in Iraq indefinitely. This is not the road to success. This will not make America safer.

Mr. Speaker, it's time for bold action. Our friends in the other Chamber and the resident down the road on Pennsylvania Avenue need to face up