

ORGANIZATIONAL/BUSINESS MEETING

Wednesday, February 6, 2019

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 10:02 a.m., in Room HVC-304, Capitol Visitor Center, the Honorable Adam B. Schiff (chairman of the committee) presiding.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes, Conaway, Turner, Wenstrup, Stewart, Crawford, Stefanik, Hurd, and Ratcliffe.

UNCLASSIFIED

THE CHAIRMAN: The committee will come to order.

We are going to do our best to start our hearings and meetings promptly.

Good morning to the members. Welcome to the organizational meeting of the House Permanent Select Committee on Intelligence for the 116th Congress. I note that there is a presence of a quorum.

Without objection, the chair is authorized to declare a recess at any time. And pursuant to House Rule XI, clause 2(h)(4), the chair may postpone further proceedings on which a recorded vote of the yeas and nays are recorded.

As a reminder, although we are in closed space, today's proceedings will be conducted to the fullest extent possible in open session.

Let me first address our new members, Mr. Welch, Mr. Maloney, Ms. Demings, Mr. Krishnamoorthi, and Mr. Ratcliffe. To each of you, I extend a special welcome to the committee. And to our returning members, welcome back to what I hope will be a productive year.

I also want to welcome the new members of the committee staff who bring with them a wide array of experiences and expertise. In the coming weeks, additional staff will be joining us, and I look forward to the fresh insights and ideas that they will add to our work.

Before we turn to the substance, I wanted to raise two housekeeping matters, beginning with a message from our security director, [REDACTED], regarding security and the nondisclosure oath which each member will sign.

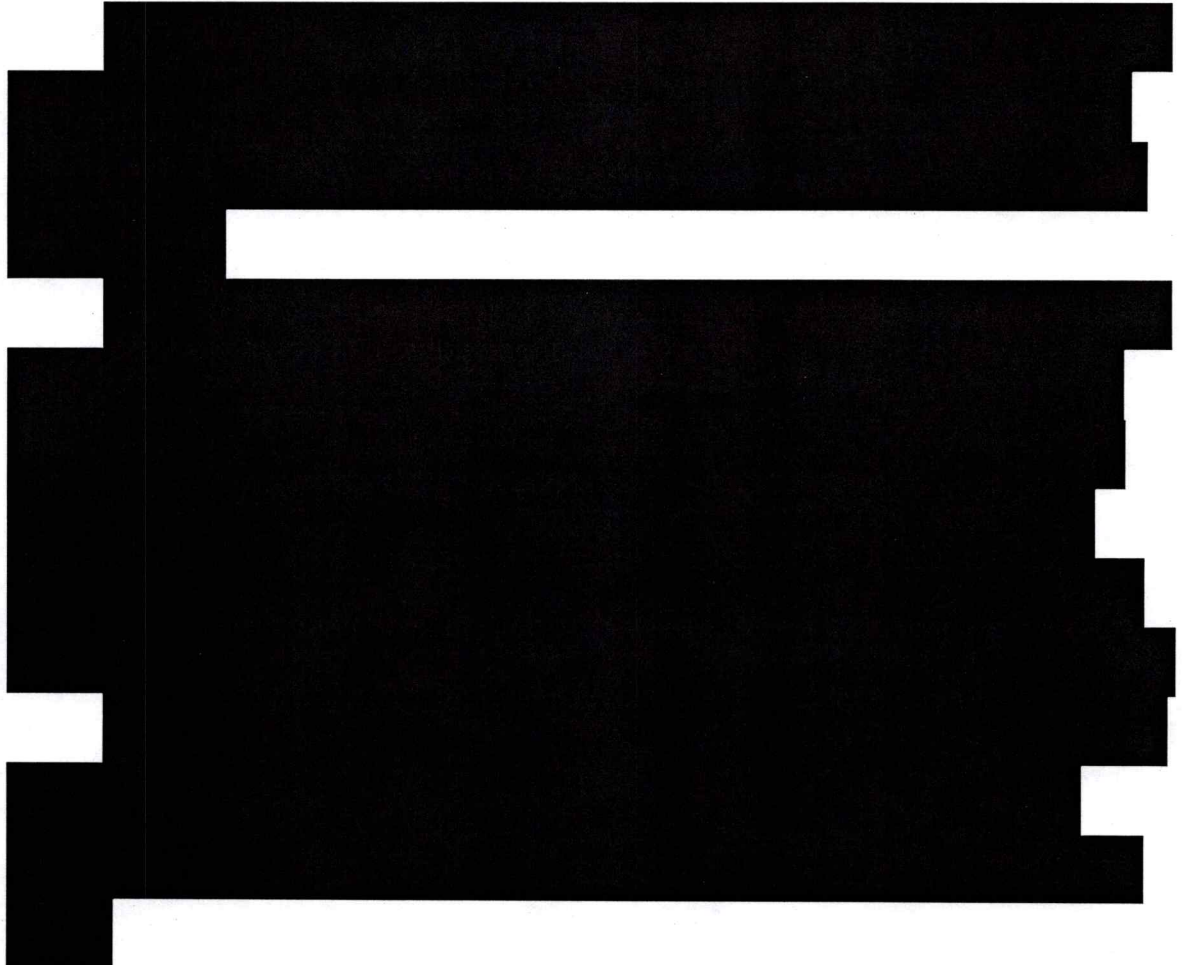
[REDACTED]

SECURITY DIRECTOR: Okay. Well, I guess, first and foremost, I just want to talk about the oaths. I know that you signed one for Congress as a whole, but we also require it for the committee roles and the committee itself. So

UNCLASSIFIED

you will see they are laying in front of you. If you can just sign and date them today, and then we will go ahead and collect them. Just leave them there and we will collect them at the end of the briefing.

Also, you will probably hear me say this every time you are in here, but I will just remind everyone that if you haven't left your electronics out front to please do so at this time. And that includes BlackBerrys, iPhones, Androids, tablets, laptops, iPods, recording devices, cameras, wireless headsets, pagers, and any type of Bluetooth wristband or watch, unless it is a medically approved device.



I think that is pretty much it.

THE CHAIRMAN: And I would request unanimous consent that [REDACTED]

[REDACTED] be stricken from the

public record of this hearing or this meeting.

One more administrative item. In this Congress my intention is for the committee to continue the practice of early bird rules for questioning. This will be familiar to our returning members. But in short, those who are present when a hearing, meeting, or other committee event commences will have an opportunity to ask questions first, alternating between majority and minority and by order of seniority. Then we will continue with those arriving after the gavel in order of arrival, again, alternating between majority and minority.

Now to our business items.

At the outset, I want to acknowledge that the last 2 years have strained the previously close working relationship that we have enjoyed on this committee for some time.

The Russia investigation threatened to impact our vital work on the oversight of the Intelligence Community. Despite that, committee members on both sides of the dais came together on the Intelligence Authorization Act, on the reauthorization of the 702 program, and on many other issues, and for that, I am very grateful.

It is my hope that despite our differences over Russia we can continue to put the needs of our country and our intelligence professionals first. I have been asked several times in recent weeks about my priorities for the committee this year, and each time I have responded that I hope, among other things, to restore comity to the HPSCI.

Today, as chairman, I reiterate that desire, and the majority members and our staff join me in our efforts to seek common ground with our minority counterparts to maintain civility and to act in a spirit of mutual respect.

I want to walk members through some of the changes on the committee rules this Congress.

First, we have reconfigured the subcommittees to better address the broad array of challenges that the Intelligence Community faces, many of which cross agency lines.

The first, the Strategic Technologies and Advanced Research Subcommittee, or STAR, will focus on crucial technologies at the heart of the intelligence enterprise, including space-based assets, advanced computing, and artificial intelligence machine learning.

Second, the Counterterrorism, Counterintelligence, and Counterproliferation Subcommittee will oversee the IC, CT, CP, and CI efforts, as the name implies.

Third, the Intelligence, Modernization, and Readiness Subcommittee, INMAR, will look at the management of the Intelligence Community with an emphasis on human capital management, information technology, and security clearance reform.

And finally, number four, the Defense, Intelligence, and Warfighter Support Subcommittee, DIWS, will focus on IC support to the U.S. military and the broader DOD.

These subcommittees will be empowered and expected to initiate and conduct deep dives and other research into their areas of jurisdiction, propose provisions for inclusion in the Intelligence Authorization Act, and to hold their own hearings and briefings.

To enable this additional work, the committee will now hold three events on weeks that we are in session, in addition to a hot spots briefing preceding the first votes of the week, as well as a full committee hearing or briefing on Thursday

UNCLASSIFIED

mornings. We will also be holding a subcommittee event each week, usually on Wednesdays. These subcommittee events will be held on a rotating basis. Accounting for recess weeks, we expect that each subcommittee will hold an event every fifth week.

Let me next refer you to the proposed committee rules. A copy of those rules, together with the red line version and memorandum illustrating changes from the rules of the 115th Congress, has been distributed to each of you. The package has been the subject of a bipartisan dialogue between the majority and minority counsels, commenced 1 week ago once minority members of the committee were named. I understand that the discussion has been productive and yielded changes sought by the minority.

Regarding the red line changes in the chairman's mark, you will see that they are intended primarily to bring the committee's rules into conformity with changes to the House Rules and with the committee's longstanding and long-time practices.

For example, the revision to committee rule 6 codifies the committee's tradition of making every reasonable effort to address majority and minority differences over proposed legislation prior to a markup. That is a sound bipartisan approach which has been put to good use in drafting the annual intelligence bill.

Along similar lines, committee rule 14 previously proclaimed that all members at all times shall have access to all classified papers and materials received by the committee from any source, even though, as a practical matter, our returning members and staff know that isn't the case.

In fact, in certain rare and narrow circumstances, I and the ranking member

UNCLASSIFIED

UNCLASSIFIED

may receive or review some of the most sensitive and compartmented material provided to the committee but with the requirement that we not share such things more broadly, even within the committee.

A case in point is the covert action statute which authorizes the President to limit temporarily notifications of certain very sensitive covert action information to the so-called Gang of Eight only.

A change to committee rule 14 will reflect that reality by providing that the chair, in consultation with the ranking member, may limit access to classified documents in our possession if the executive branch seeks to limit such access to classified papers and other material in accordance with existing law and policy.

The key, however, is that any restriction will apply in equal terms to the majority and minority alike. Let me stress the restrictions under this rule will only come into play when the law or agreements with the IC prohibit dissemination to all members. I also commit to each of you that I will ensure that members will have the widest possible access to classified documents within the committee.

The chairman's mark also contains language to ensure that HPSCI continues to have appropriate visibility into relevant activities of the House and the Senate Armed Services Committees and the Defense Subcommittee of the Committee on Appropriations.

As our returning members know well, our committee has clear jurisdiction over a great deal of activity that the HASC, SASC, and HACD also seek to regulate. Passage of strong defense intelligence and appropriation bills thus depends in large measure on a continuing close dialogue between the three committees, one which at all times respects HPSCI's equities.

The rules package thus makes clear that members' and staff's sharing of

UNCLASSIFIED

UNCLASSIFIED

classified information with counterparts on their sister committees and the admission of HASC and HACD members to our hearings may be conditioned on, at the least, reciprocal privileges being afforded to HPSCI members and staff.

At this point, I am pleased to yield to the ranking member if he has any comments he would like to make.

MR. NUNES: Thank you, Mr. Chairman.

I want to welcome our returning members and say I look forward to continuing oversight over the Intelligence Community.

I would also like to welcome the new member of our side of the dais, the Honorable John Ratcliffe from Texas. Congressman Ratcliffe is a former prosecutor and has significant national security experience, and we are delighted to have him here.

With that, I strongly support the rules package, and I yield back.

THE CHAIRMAN: I thank the ranking member.

At this point, I call up the chairman's mark of the proposed committee rules for the 116th Congress.

Without objection, the first reading of the resolution shall be dispensed with, and the resolution shall be considered as read and open for amendment.

[The information follows:]

***** COMMITTEE INSERT *****

UNCLASSIFIED

THE CHAIRMAN: Are there any amendments to the proposed committee rules?

MR. NUNES: Mr. Chairman, I do have one amendment at the desk.

THE CHAIRMAN: The ranking member is recognized for the purpose of his amendment.

MR. NUNES: Mr. Chairman, my amendment would require counsel representing a nongovernmental witness, a government witness in their personal capacity, or any other entity before the committee to submit an appearance of counsel form prior to their appearance before the committee.

[The information follows:]

***** INSERT 1-1 *****

UNCLASSIFIED

MR. NUNES: This is a straightforward and good housekeeping measure that the committee should implement, especially under various bar and ethics rules prohibiting the attorneys from directly contacting representative witnesses.

This amendment would ensure each of the committee's lawyers have access to this information. This form is simple and requires the counsel to submit basic information, such as email address, phone number, mailing address, and their client's name, and their scope of the representation before the committee.

I urge the adoption of the amendment and yield back the balance of my time.

THE CHAIRMAN: I thank the gentleman for yielding back.

I would note -- and we discussed this potential amendment with the minority -- we offered to, as a matter of practice, make this information a part of our protocol when a witness or documents are subpoenaed as a part of the consultation on subpoenas. That proposal was rejected by the minority.

I should note that the proposal being offered by the minority was not adopted by the minority when it was in the majority. But we think it far more sensible that this practice be followed when a subpoena is issued, and for that reason, I will reluctantly oppose the amendment.

Do any other members wish to be heard on the amendment?

Hearing none, the question is on the adoption of the amendment offered by the ranking member, Mr. Nunes.

All those in favor say aye.

All those opposed, no.

In the opinion of the chair, the noes have it, and the amendment is not

UNCLASSIFIED

UNCLASSIFIED

agreed to. The amendment is defeated.

Are there any other amendments proposed to the committee rules?

If not, I therefore move that the chairman's mark of the proposed rules be adopted as the committee rules and procedure for the 116th Congress.

Without objection, the previous question is ordered.

Those in favor will say aye.

Those opposed?

In the opinion of the chair, the ayes have it, and the rules are adopted.

Our second order of business is on a motion to authorize immediate transmission of certain committee transcripts to the Department of Justice, including the special counsel's office. A copy of that motion is before you.

Also attached is an annex listing the transcripts that will be transmitted, compact disks containing the text of each transcript have been created for transmission to the Department, and all transcripts continue to be available on the committee systems for members to review.

Let me stress again that we are in open session. It is my intent that we remain so, but if any member wishes to discuss the substance of any transcript, they can request that we go into closed session, and we will.

I have long said that in the new Congress transmitting committee investigative transcripts from the 115th Congress to the Department should be a top priority. The reasons are straightforward. Our committee's investigative activities overlap in important respects with those of different components of the Justice Department, including the continuing investigation by the special counsel's office.

And as we are all aware, the special counsel has prosecuted or is

UNCLASSIFIED

UNCLASSIFIED

prosecuting two individuals who appeared before our committee and made false statements. With the aid of these transcripts, the Department can ensure that the special counsel is empowered to complete the fullest, most rigorous investigation possible, to include an examination, if appropriate, of whether any other witnesses lied or deliberately misled our committee.

Therefore, I believe the committee should authorize the transmission to the Department of Justice with no restriction on use by the Department or its components, including the special counsel's office, the transcripts described in annex A, which will be made a part of the record.

UNCLASSIFIED

[The information follows:]

***** COMMITTEE INSERT *****

THE CHAIRMAN: At this point, I will yield to the ranking member for any comments he wishes to make.

MR. NUNES: I thank the chairman.

On September 28, 2018, the committee voted to release publicly the transcripts from our investigation into Russian active measures during the 2016 Presidential election. As part of that vote, the transcripts were sent to ODNI for classification review prior to their public release.

In acknowledging our request, ODNI responded on November 28, 2018, stating that the transcripts will be provided to relevant departments and agencies, including the special counsel's office. I ask unanimous consent that this letter be entered into the record.

Sorry, Mr. Chairman, I have a unanimous consent request that the letter from ODNI be entered into the record.

THE CHAIRMAN: And I am sorry, Mr. Ranking Member, which letter are we --

MR. NUNES: It is a letter dated November 28, 2018, to both of us.

THE CHAIRMAN: No objection.

[The information follows:]

***** INSERT 1-2 *****

UNCLASSIFIED

MR. NUNES: Thank you, Mr. Chairman.

The special counsel's office has access to our transcripts since they were transmitted to ODNI several months ago, and if they wanted to use any of them they would have made a request to the committee.

In closing, we have a commitment to the American people to be transparent in our work, which is why we voted in September to release all the transcripts from our interviews. As Members of Congress we work for the American people and not the special counsel's office. Nonetheless, I will vote in favor of this motion and urge my colleagues to do the same.

I yield back.

THE CHAIRMAN: I thank the gentleman for yielding.

We will be -- I will be recommending that our members oppose the motion for an immediate release of the unclassified transcripts. It is still necessary for us to get input from the Justice Department about any investigative equities that may be involved in the release of the transcripts.

As the ranking member is aware, we urged last year that the then majority not condition the release of the transcripts on the return of all the transcripts from the Justice Department and special counsel. Over our objection, though, that was the process which the then majority decided to follow, that we would not release any transcripts until we received all of them back from the special counsel and the Justice Department.

We will be conferring with the Justice Department and asking them to expedite the release of certain transcripts to us or to inform us of any investigative concerns or equities that may be impacted by the public disclosure. It is our full

UNCLASSIFIED

intention to do this in a way that provides this information to the public but also does not compromise either our own investigation or that of the special counsel. So for that reason, I reluctantly oppose the motion.

MR. NUNES: Mr. Chairman, just to be clear, we are prepared to support your motion on sending these to special counsel, and then we would like to receive a vote on our motion to make these public. That is our request.

THE CHAIRMAN: Yes. And we will have a vote on both.

Are you offering this then as an amendment to our motion?

MR. NUNES: I can do it either way. If you would like me to, I can make it an amendment.

THE CHAIRMAN: Why don't we consider this an amendment to the motion to provide the transcripts to special counsel?

MR. NUNES: Okay. So, Mr. Chairman, I have an amendment at the desk to your motion to release to special counsel.

[The information follows:]

***** COMMITTEE INSERT *****

THE CHAIRMAN: And please restate your amendment.

MR. NUNES: Mr. Chairman, in September of last year, the committee voted to publicly release the executive session interview transcripts of the committee's investigation into Russian active measures during the 2016 Presidential election. ODNI has had these transcripts for classification review since November 19, 2018. And as of early January, ODNI reported it had completed only four transcripts.

Our efforts for transparency appear to be impaired by the Office of Director of National Intelligence. Therefore, I move that, notwithstanding the provisions of clause (g)(3) of Rule XI, that the committee, pursuant to clause 2(k)(7) of Rule XI, publicly release the unclassified transcripts that were previously sent to ODNI in November of 2018.

THE CHAIRMAN: Okay. I thank the gentleman for his motion -- or his amendment.

For the reasons I mentioned, we reluctantly must oppose the amendment. We will be seeking, however, to get the Justice Department and special counsel to expedite the return of certain transcripts, as well as any explanation for why any of the remaining transcripts pose concerns in terms of the Department's investigative interests, and for that reason must reluctantly oppose the motion.

Any further comments on the motion?

MR. HIMES: Just a point of information, Mr. Chairman. I might have gotten lost here. But we voted in November to make them public conditional on an executive branch review for classified information. The committee voted to release all of them rather than piecemeal them, dividing them into classified and

UNCLASSIFIED

nonclassified.

Now, if I understand this correctly, because of our concern or the minority's concern about the length of time the declassification has taken, we are going back on the decision of the last Congress, which is to say let's release the transcripts we know not to contain classified information and then just wait on the declassification process. Is that correct?

MR. NUNES: That is correct, Mr. Himes.

MR. HIMES: Okay. I just got lost. Okay. Thank you.

THE CHAIRMAN: The vote is on the amendment of the ranking member to provide immediate release of declassified transcripts.

Those in favor --

MR. NUNES: Unclassified.

THE CHAIRMAN: I am sorry. Unclassified transcripts.

Those in favor will say aye.

Those opposed will say no.

In the opinion of the chair the noes have it, and the amendment is not agreed to.

Are there further amendments to the --

MR. STEWART: Mr. Chairman.

THE CHAIRMAN: Yeah. I am sorry, are there further amendments to the chair's motion to release the transcript to the special counsel?

Hearing no further amendments --

MR. CONAWAY: Well, I have a question about an amendment. Is it appropriate to discuss your motion?

THE CHAIRMAN: Yes.

UNCLASSIFIED

UNCLASSIFIED

MR. CONAWAY: Okay. I would ask that -- there are 63 -- 66 transcripts involved -- just to make sure that what we did in September, that those transcripts and this list of transcripts are the same, so that we have got that assurance. But just a point of clarification that they are exactly the same that we voted on in September?

THE CHAIRMAN: All of the transcripts that we sent previously are included, but there are additional transcripts that for some reason were excluded from the --

MR. CONAWAY: Would the chair point those out to us?

THE CHAIRMAN: Yes. The ones that were excluded from the majority's motion last session included the transcripts of Dana Rohrabacher's testimony, Debbie Wasserman Schultz's testimony, and some of the intelligence agency heads, I believe.

MR. CONAWAY: Which ones?

THE CHAIRMAN: Which additional transcripts?

If we are to discuss that, I am informed that we should go into closed session.

MR. CONAWAY: Okay. I was just talking about the unclass schedules. So Rohrabacher, Wasserman Schultz, and who else that you are comfortable talking about in public?

THE CHAIRMAN: I think those are the only --

MR. CONAWAY: Well, there is no need to belabor this. Make sure that the majority staff, minority staff agree that the lists are -- from this September 28 meeting and this one, we know those exceptions, staff does?

THE CHAIRMAN: Simona Mangiante's transcript as well as Christopher

UNCLASSIFIED

UNCLASSIFIED

Wiley's transcript are also included.

MR. CONAWAY: Okay. I didn't think you wanted that in public record, but okay.

Thank you. Yield back.

THE CHAIRMAN: Okay. Would anyone else like to be heard on the motion to provide the transcript to the special counsel?

Yes, Dr. Wenstrup.

MR. TURNER: Mr. Chairman, I just want to thank you for your comments in your opening statement.

THE CHAIRMAN: Sorry, Mr. Turner.

MR. TURNER: Thank you. Mr. Chairman, I just want to thank you for your comments in your opening statement that the subject matter of these transcripts have resulted in individuals being charged for having lied to Congress, because what is important about your acknowledgment of that in your opening statement is it acknowledges that the result of this motion that you brought forward will not change the availability of these transcripts to the Mueller investigation. They have already had access to them, taken action, holding people accountable for untruthful statements.

And so I think it is an important distinction, especially since, as Mr. Himes is trying to say, we want to have clarification, everybody understands what process we are having here. So thank you for making it clear that they have had access to these and this doesn't change the availability of them for the investigation.

MR. SWALWELL: Will the gentleman yield briefly?

THE CHAIRMAN: Yes, I am happy to recognize the gentleman.

I should point out, though, Mr. Turner, part of the importance of providing

UNCLASSIFIED

UNCLASSIFIED

the transcripts in this manner to the special counsel is to allow for their use in a perjury prosecution. It is true the Justice Department has, since we sent the transcripts to the Department, accessed the transcripts, but they have not had the authorization to use them in a perjury prosecution.

MR. TURNER: Will the gentleman yield? That distinction is what I am thanking you for, because I just want to make certain that as the public looks at this, it is clear it is not as if they have been impeded in any way and not had access to them, because clearly they have had because prosecutions are going forward.

So thank you for having made that clarification, because as the public looks at this, look at the difference between the actions being taken, they need to understand that this does not change the availability of these transcripts to the Mueller investigation. They have had them. They have had availability to them. So thank you.

THE CHAIRMAN: They have had access, but they have not had them for the full use of those transcripts, including to validate the legitimate concern our committee has that people not come here and believe they can lie and there will be no consequence to it.

I am sorry, who -- Mr. Swalwell.

MR. SWALWELL: Thank you, Chair.

And, Mr. Turner, I appreciate you making that point. I would just note the Cohen indictment did not reference our transcript. It referenced his letter to our committee. And so they may have had access to the transcript, but the way that a prosecution works is that unless we formally send it over to them, they cannot use that in an indictment.

UNCLASSIFIED

UNCLASSIFIED

Now, the --

MR. TURNER: Will the gentleman yield?

MR. SWALWELL: Just one second.

[REDACTED]

[REDACTED] So they may have had access, but now by formally transmitting these to them they can present this as a marked piece of evidence to a grand jury.

And yes, of course, I would yield.

MR. TURNER: I think all the members of the committee are aware of this. My concern was the public perception of this action. And that is why I thanked the chairman for him clarifying this transparency issue for the public, because this does not change the availability of these transcripts to the Mueller investigation to review them as they proceeded.

I think the procedure of criminal prosecution and how it goes forward, I think we are aware of that as a committee because we have been participating in that. But I think it was important for the public to understand that this motion does not change Mueller having access and knowledge and information of what is in the transcript.

MR. SWALWELL: And reclaiming my time, I think there is a difference that is distinct, which is availability and usability are two different things in criminal prosecutions. And I yield back to the chair.

THE CHAIRMAN: The only thing I would add, just for purpose of perfect clarity here, we are sending additional transcripts that the special counsel has not had access to, including the transcripts of the four witnesses that we just outlined as well as those that we are not going to discuss because we are in open session.

UNCLASSIFIED

UNCLASSIFIED

So there will be additional evidence going to the special counsel that is pertinent to his investigation as well as our own.

Any further comment on the motion to provide the transcripts to the special counsel for any purpose for which the Justice Department may require them?

Then the vote is on the motion to authorize the immediate transmission to the Department of Justice of electronic copies of certain transcripts described in annex A, with no restriction on the transcripts' use by the Department or its components, including the special counsel's office.

Such transmission shall not constitute a waiver of any applicable privileges and specifically shall not waive the privilege conferred by the speech or debate clause found at Article I, section 6 of the U.S. Constitution.

Without objection, the previous question is ordered.

All members in favor will say aye. Aye.

All those opposed?

In the opinion of the chair the ayes have it, and the motion is adopted.

Are there any further motions before the committee?

MR. STEWART: Mr. Chairman?

THE CHAIRMAN: The gentleman is recognized.

MR. STEWART: Thank you, Mr. Chairman.

I would like to say that, sincerely, we look forward to your leadership on the committee and echo the comments welcoming the new members. And I think they will find, like all of us find, this is the most fascinating work in Congress and it is an honor to be involved with it.

Mr. Chairman, the majority has made it clear over the last year or so that you have considered the Russian investigation to have been incomplete and that

UNCLASSIFIED

UNCLASSIFIED

you intend to continue facets of that investigation into the new Congress.

One of the things that has been demonstrated, and I believe made clear with evidence, is that there was clear abuse in the FISA process as well as some other concerns. And we would like to pursue those concerns as part of this continued investigation, and some witnesses which were, in a bipartisan manner, were intended to be called.

Mr. Chairman, I move therefore that notwithstanding the provision of clause (g)(3) of House Rule XI, that the committee, pursuant to committee rule 10, compel the following individuals to testify before the committee on a date set by the chairman, with consultation with the committee Republican leader, the following individuals: James Baker, Dana Boente, James Comey, Oleg Deripaska, Joseph Mifsud, Sergei Millian, George Papadopoulos, Rod Rosenstein, James Rybicki, Christopher Steele, Adam Waldman, and Natalia Veselnitskaya.

THE CHAIRMAN: I thank the gentleman for his motion. And, you know, I am grateful for the tone of the hearing today, and I hope that we can continue this, notwithstanding our differences, on this investigation or any other matter.

I would encourage the minority, if there are witnesses that you believe should be subpoenaed, share with us why. We would be happy to sit down and discuss it with you.

As you know, we had no notice that you would make this motion today, and so we are not in a position to support it in any way. But I would be more than happy to sit down with you and my colleagues as well if there are witnesses that you think should be brought before the committee, and if they are unwilling, that we should subpoena.

Similarly, we will be inviting you to recommend witnesses for our open

UNCLASSIFIED

UNCLASSIFIED

hearings. We are having an open hearing in the last week of February on the rise of authoritarianism, and we would welcome you to identify a witness that you would like to participate in that hearing.

Similarly, on the subcommittees, I hope you will discuss with the chairs of the subcommittees particular areas that you think warrant a deep dive, witnesses you want to come in, issues you want to explore. We would like to be equal partners in this.

So today we will oppose the motion, but we would be more than willing to sit down with you and discuss any witnesses that you think should appear before our committee.

Would anyone else like to be heard on the gentleman's motion?

Yes.

DR. WENSTRUP: Mr. Chairman, I appreciate the approach that you just took on that. I guess the question is, since these people, I believe all of them, were ones that you wanted to subpoena earlier in this dialogue, perhaps you can tell us why you no longer would want to subpoena them.

I yield back.

THE CHAIRMAN: I thank the gentleman for yielding.

Actually, there are a number of people on this list that were not on our list to subpoena, and I am not sure why they are on your list. But in any event, I don't think that representation is correct. But, again, I would be happy to sit down with you and hear any justifications you may offer. But at this point we will be -- I will be recommending that we oppose the motion.

Anyone else like to be heard?

MR. STEWART: Maybe, Mr. Chairman, if I could just conclude then. In

UNCLASSIFIED

UNCLASSIFIED

response to your objection, I would just like to, again, state that there was bipartisan interest in these individuals for the committee. Specifically, in a 21-page status of the Russian investigation from HPSCI Democrats, March 2018, many of these individuals were mentioned as key witnesses, and I therefore appeal the ruling of the chair.

THE CHAIRMAN: Well, you know, there is no need to appeal any ruling. I am not making a ruling. We will have a vote on your motion.

I would say this also, though. It was our practice, it will continue to be our practice to seek the voluntary appearance of witnesses before we issue a subpoena. So these are witnesses that when the now minority was controlling the committee you evidently made a decision not to bring in and not to even request their voluntary appearance.

And now the proposal is, without even going to any of them to ask for their voluntary appearance, you want to issue a subpoena. That really violates the practice that we have had, and it will be our continued intention to seek voluntary compliance before we use compulsion.

MR. STEWART: And by the way, Mr. Chairman, if I could, I completely agree with that. If we can have voluntary compulsion, that is far better for the committee if that is possible.

THE CHAIRMAN: Does the gentleman want to vote on the motion to issue compulsion nonetheless?

MR. STEWART: Mr. Chairman, I would request a vote on this.

THE CHAIRMAN: The question is on the gentleman's motion, unless anyone else would like to be heard.

Mr. Himes.

UNCLASSIFIED

UNCLASSIFIED

MR. HIMES: Thank you, Mr. Chairman.

The premise of the gentleman's amendment is that there exists substantial evidence, I guess, that there was FISA abuse. This has been, I think, an irritant between the two parties on the committee for some period of time.

And I suspect, given the history of the 702 reauthorization where there was a lot of, in my opinion, conflation of issues that somehow purported FISA abuse might have impacted or involved 702, I think it is probably worth this committee's time on a formal or informal basis to look at that evidence. There is certainly an inspector general's report in the Department of Justice which suggests otherwise.

But nonetheless, we all need to reauthorize or we will be at the end of this year reauthorizing section 215 metadata collection. It would, I think, be worth this committee's time.

And I stand with the chairman. It has always been our practice to seek voluntary testimony before we issue subpoenas, so I think this would be a pretty significant change from how we have operated. So I will vote against the gentleman's motion.

But I just remind the committee that we are going to go through what we went through on 702 with 215, which I think we all understand is an important collection thing. So I suggest -- and I guess I will be chairing a subcommittee that has some cybersecurity jurisdiction -- I will be very interested in actually sitting down as a committee formally or informally and really closely examining what has been an irritant here, this question of whether there was FISA abuse.

MR. STEWART: If the gentleman would yield?

MR. HIMES: I yield.

MR. STEWART: Thank you.

UNCLASSIFIED

UNCLASSIFIED

And again, Mr. Himes, you and I find ourselves far more often in agreement than disagreement. And to reiterate, if these witnesses are willing to voluntarily appear before the committee, I certainly hope that that is the outcome and would support that. But in the event that they are not, and I anticipate that many of these will not, then I hope that we would keep the subpoena as a plan B, if you will.

And to your point on 702 and 215, this is something that everyone on this committee shares an interest in. And if they don't, then, frankly, I think they are on the wrong committee, because it is an incredibly important part of our tool chest.

And part of my interest and our interest in doing this is we are going to lose Members on my side who would otherwise support 702 and 215 were it not for the fact that they believe there has been abuse and that that abuse hasn't been held accountable.

And this is one of the reasons that I feel strongly about this, is we need to have a process where we can show them that if there was abuse -- and if there wasn't, then okay, there wasn't -- but if there was, that we dealt with it and we did it in a straightforward manner and we did it in such a way that there was accountability.

Because otherwise, when you and I go to our peers in Congress and ask them to support something that may be difficult for them, 702 or 215, they are more reluctant because they feel like there has been abuse and that abuse was never accountable.

And I would yield back. Thank you for yielding.

MR. HIMES: Just briefly reclaiming my time, I think the gentleman and I

UNCLASSIFIED

UNCLASSIFIED

are on the same page, and that is why I made the comment that I did. If there is credible evidence that there was FISA abuse, let's come together as a committee so that we can speak to the rest of the Congress with one voice on 215, I think.

So I am offering, I guess, as a committee -- subcommittee chair that would have some jurisdiction here, offering that as a process. I think it is really important that we get to the bottom of whether there really was credible FISA abuse. That is a good process.

It has borders, though. I am not sure there is anything any one of us can do, if the President honestly believes, as he tweeted, that the Obama administration eavesdropped on his campaign, I am not sure that we are going to change that sentiment. But we can start that by at least looking at the evidence and coming out with one voice as to what we know to be the case.

So I agree with the gentleman. Let's have a fair process looking at the evidence.

MR. STEWART: Thank you.

THE CHAIRMAN: Anyone else wish to be heard on the motion to subpoena a list of 11 witnesses -- or 12 witnesses?

And I should mention, having now gone through the list, which we only received at this point, I think roughly half of them are not people we had suggested bringing in, just so that the record is clear about that. And none of these are people apparently the majority felt, when it was in the majority, it was worth bringing before the committee.

Any further comment on the motion?

The question is on the gentleman's motion to subpoena a dozen individuals before the committee.

UNCLASSIFIED

UNCLASSIFIED

Those in favor will say aye.

Those opposed will say no.

In the opinion of the chair, the noes have it, and the motion is defeated.

Are there any further motions before the committee?

Before the meeting concludes, I want to say a few words about the committee's Russia investigation. As members know, my intention is to pursue that investigation fully.

In the more than 2 years since the Intelligence Community released its assessment of Russia's malign influence operation targeting the 2016 U.S. elections, much has been learned about the scope and scale of Russia's attack on our democracy, including how covert and overt Russian activities intersected with individuals associated with Donald Trump's Presidential campaign, transition, administration, and business interests, including The Trump Organization.

It is now known that, from late 2015 through early 2017, individuals close to Donald Trump engaged in a significant number of contacts with an array of individuals connected to or working on behalf of the Russian Government, and that several of these contacts involved efforts to acquire and disseminate damaging information about Hillary Clinton and her campaign or related to Russia's desired relief from U.S. sanctions.

While Special Counsel Robert Mueller continues his investigation into whether there were any links and/or coordination between the Russian Government and individuals associated with the Trump campaign and whether any crimes were committed in connection with or arising from that investigation, the committee must fulfill its responsibility to provide the American people with a comprehensive accounting of what happened and what the United States must do

UNCLASSIFIED

UNCLASSIFIED

to protect ourselves from future interference and malign influence operations.

During the prior Congress we began to pursue credible reports, credible reports of money laundering and financial compromise related to the business interests of President Trump, his family, and his associates. The President's actions and posture towards Russia during the campaign, transition, and administration have only heightened fears of foreign, financial, or other leverage over President Trump, and underscored the need to determine whether he or those in his administration have acted in service of foreign interests since taking office.

In the 116th Congress, our investigation will focus principally on five interconnected lines of inquiry, beginning with these incomplete or unexamined investigative threats:

Number one, the scope and scale of the Russian Government's operations to influence the U.S. political process and the U.S. Government's response during and since the 2016 election;

Number two, the extent of any links and/or coordination between the Russian Government or related foreign actors and individuals associated with Donald Trump's campaign, transition, administration, or business interests in furtherance of the Russian Government's interests;

Number three, whether any foreign actor has sought to compromise or holds leverage, financial or otherwise, over Donald Trump, his family, his business, or his associates;

Number four, whether President Trump, his family, or his associates are or were at any time at heightened risk of or vulnerable to foreign exploitation, inducement, manipulation, pressure, or coercion, or have sought to influence U.S.

UNCLASSIFIED

UNCLASSIFIED

Government policy in service of foreign interests;

And number five, whether any actors, foreign or domestic, sought or are seeking to impede, obstruct, and/or mislead authorized investigations into these matters, including those in the Congress.

The committee may pursue additional lines of inquiry regarding matters that arise from the investigation, and it will cooperate with other congressional committees as needed on matters of overlapping interest.

We will also develop legislation and policy reforms to ensure that the U.S. Government is better positioned to counter future efforts to undermine our political process and national security.

I encourage all of our Members to engage in this investigation so that we can partner together to follow the facts where they lead.

In the last Congress, my colleagues in the then majority terminated their work on the Russian investigation. Much of what has come to light since -- Maria Butina being charged with conspiracy to act as a Russian agent, the false statements made to our committee, the documents concealed from us, the new timeline of the effort to build Trump Tower Moscow, among other matters -- show why that decision was premature and ill considered and why the investigation must continue.

I hope my minority counterparts in particular will rejoin us in that effort. Congress has a duty to expose foreign interference, hold Russia to account, and ensure that U.S. officials, including the President, are serving the national interest, and if not, that they are held accountable.

Before we conclude, let me reiterate my warm welcome to our members, new and returning. I look forward to a productive Congress.

UNCLASSIFIED

UNCLASSIFIED

happy to consult with you. And if you have concerns and there is credible evidence of anything else within the jurisdiction of this committee, we are more than willing to entertain it.

Our paramount interest and concern is whether a foreign power holds leverage over existing U.S. policy. That is, is American policy towards Russia, is American policy towards Saudi Arabia or Qatar or other nations being shaped not by the national interest but by personal financial interests or the fear of compromise, anything that could warp our policy in ways that are not in our national interest.

Things that are beyond that may be beyond the jurisdiction of the committee. But those are our paramount interests. And if there are matters within the jurisdiction of the committee and there is credible allegations, we would like you to share them with us and we would be happy to consider them.

MR. STEWART: And, Mr. Chairman, I understand that one of the priorities we would want to know is whether, as you said, an official, especially the President of the United States, was under any foreign influence. Happy to take up that line of questioning.

I don't understand how you can either by saying it is not under our jurisdiction or it is not our interest to at the same time look at other inquiries, other lines of concern, whether in the previous campaign, which is our focus. There were other individuals who, as using your words, conspiracy, coordination, or -- and collaboration, whether that took place as well. And I just, again, am looking for clarification as to why one would be pursued and not the other.

THE CHAIRMAN: Well, and just to reiterate, we are happy to entertain any recommendations that you would like to make. And in the last Congress, this

UNCLASSIFIED

UNCLASSIFIED

THE CHAIRMAN: I thank the gentleman.

Anybody else like to be heard?

MR. HIMES: I have a comment.

THE CHAIRMAN: Mr. Himes.

MR. HIMES: I appreciate the gentleman's comments. I am disturbed that the gentleman said "completely ignoring." I have been listening very carefully to the chairman. He has repeatedly said that he will entertain evidence and consider and consult with the minority.

So, again, there is a public record being made here that can be checked. I think the chairman is raising legitimate issues about a U.S. Government that exists today that may or may not be subject to foreign influence.

Were another campaign to have engaged in illegal activity, I can tell you that would certainly be of interest to me. It would probably have jurisdictional questions that involve law enforcement as well as other committees.

But I just want to be clear, nobody, including the chairman, has said that anything will be ignored. In fact, the chairman has repeatedly said that he will entertain evidence, consideration, and consult. And I think that is the spirit with which we plan to move forward here.

But it is not the objective of the committee to sit as an impartial judge of two campaigns. It is the jurisdiction of the committee to consider counterintelligence, which may, in fact -- because one campaign won and now controls the executive branch, and another campaign lost and is now writing books and walking in the woods -- there are different implications for two different campaigns in terms of where they went.

So, again, just to clarify, nobody is saying that evidence of wrongdoing or

UNCLASSIFIED

UNCLASSIFIED

illegality will be ignored. It will, in fact, be welcomed and I think probably sent to the appropriate location. So I have heard the chairman multiple times now say he is willing to entertain evidence and consult and do what would be appropriate.

MR. STEWART: And, Mr. Himes, I agree. And if I indicated that you weren't going to do that, I said "if" was a qualifier, and I am sure that that wouldn't be the outcome. So thank you.

THE CHAIRMAN: Thank you, Mr. Stewart.

Mr. Quigley.

MR. QUIGLEY: The chairman has stressed the comity, and I get that, and I have resisted the obvious temptation that comity has slid into comedy when we discuss making sure that we are fair and the American public isn't stupid. Let's just appreciate what we have been through the last 2 years. The investigation was shut down in extraordinary premature fashion.

So I suppose you are going to have to take our word for it that your voices will be heard, as the chairman has said over and over again. But let's not stretch history and rewrite it today about what is taking place. Our stress was to move forward, but if the intention is to rewrite history, then you have to react.

So let's remember where we were with going along with White House gag orders, refusing to subpoena critical witnesses, and refusing to make people answer questions.

So we have got a lot to overcome here. It is hard enough to do this. We will strive to make this open and fair. But rewriting history makes it even more difficult.

THE CHAIRMAN: I thank the gentleman.

I ask unanimous consent that with respect to the rules and the motions

UNCLASSIFIED

UNCLASSIFIED

agreed to during our meeting, committee staff will be authorized to make any necessary technical, grammatical, typographical, and conforming changes.

There being no further business, then, without objection, the committee shall be adjourned.

[Whereupon, at 11:02 p.m., the committee was adjourned.]

UNCLASSIFIED