

BUSINESS MEETING: REPORT ON THE IMPEACHMENT INQUIRY

Monday, December 3, 2019

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

The committee met, pursuant to call, at 6:17 p.m., in Room HVC-304, Capitol Visitor Center, the Honorable Adam 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, Stefanik, Hurd, Ratcliffe, and Jordan.

Staff Present:

[REDACTED]



THE CHAIRMAN: Okay. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time. There is a quorum present.

By way of reminder to the members, we are now in open session, and we will conduct today's meeting entirely on that basis.

I will now recognize myself for an opening statement. Tonight the committee takes up issuance of the report directed by section 2, paragraph 6 of H. Res. 660 as part of the House of Representatives' impeachment inquiry.

As the report outlines in vivid detail, the evidence is unequivocal: President Trump used the power of his office to pressure Ukraine into announcing investigations into his political rival, former Vice President Joe Biden, and a debunk conspiracy theory that it was Ukraine, not Russia, that interfered in the 2016 election. Both investigations would benefit him politically in his 2020 presidential reelection campaign.

The evidence is also clear that President Trump conditioned two official acts on the public announcement of the investigations: a coveted White House visit and critical U.S. military assistance Ukraine needed to fight its Russian adversary. After this scheme and pressure campaign were uncovered, President Trump engaged in an unprecedented campaign of obstruction of the impeachment inquiry.

Now that our report and minority response have both been made public, the American people can review the evidence for themselves. But Congress still has work to do. Upon issuance of the report before us and pursuant to H. Res. 660, as chair, I will transmit it along with other records or materials relating to the inquiry to the House Judiciary Committee.

The Judiciary Committee will then begin its work to determine whether the conduct detailed in the report warrants the drafting of articles of impeachment in their referral to the whole House. That is a weighty task, and I know that they will undertake it with the

solemnity and sense of purpose that it deserves.

Before I turn it over to the ranking member for any remarks he may wish to make, I want to extend my deepest appreciation to the staff, many of whom have been working well into the night or even early into the morning for weeks on end, and 7 days a week. They have done remarkable work, and without them this inquiry would not have been possible. It is not just the HPSCI staff but also staff from the Oversight Committee and the Foreign Affairs Committee who have also been deeply involved in the process.

With that, I recognize Ranking Member Nunes for any remarks he would like to make.

MR. NUNES: I thank the gentleman.

Welcome back to the chairman's star chamber bunker. Our presence here today is illustrative of the process to date: Conceal, leak, and eventually, once the narrative is written, quietly publish.

Today's meeting to approve a Democrat report that the chairman has already released is the most fitting end imaginable to this absurd spectacle in the "Impeachment Committee," formally known as the Intelligence Committee.

Republicans were given 24 hours to read the report, although the chairman knew most of the members would be outside of Washington for most of that time. Then if our members could get here to read it, they were required to do so in the presence of a Democratic minder. That is an insult to every elected Republican member of this committee.

What is more, seeing as the Democrats released the report before voting on it, it is clear the minders were not required for security purposes, but purely political purposes. This whole impeachment charade has been nothing more than a political exercise in which the Democrats have abused this committee to try to oust the President from office.

We were all appointed to this committee to oversee the Intelligence Community, to ensure all of its components are adequately resourced, and are following the law. Instead of doing that, for much of the last 2 months, the Democrats staged a series of depositions in the Intelligence Committee SCIF.

Although the Democrats placed severe restrictions on the ability of Members of Congress and even members of this committee to access transcripts of these depositions, The Washington Post, The New York Times, and many other media outlets faced no such problem, as every deposition was accompanied by a flood of highly orchestrated Democratic leaks.

Throughout the course of these depositions and the open hearings that followed, Republicans were denied the right to call any witnesses except for the ones that had been preselected by the Democrats for depositions; denied the recognition of our points of order; repeatedly interrupted during our question time by Chairman Schiff, who also prevented witnesses from answering Republican questions; and summoned to impromptu business meetings in violation of House and committee rules.

By resorting to this fundamentally illegitimate process, lasting damage has been done to this committee and the institution of the House as a whole. Yet, as we prepare to vote to send this false narrative to the Judiciary Committee, I want to underscore a few home truths.

The Democrats' impeachment investigation has alleged that President Trump leveraged foreign assistance and White House meetings in an effort to undermine his political opponent. There is no evidence supporting this claim. You know it, we know it, and the American people know it, and the sinking poll numbers underscore that fact.

In conclusion, we all know the Democrats are seeking to prevent the reelection of President Trump. That is what this sham impeachment is really about. I urge you to

admit this fact, as some of your colleagues have done, as a first step in your rehabilitation. In the meantime, I urge my colleagues to vote no on adoption and transmittal of your political hit piece.

And, Mr. Chairman, pursuant to House Rule 11, clause 2(l), I give my notice of the Republican members' intent to file minority views for inclusion in the report before us tonight, to be filed with the clerk of the committee no later than two additional calendar days from today.

THE CHAIRMAN: I thank the gentleman. And I will now call up today's lone agenda item, issuance by the committee of the report directed pursuant to section 2, paragraph 6 of H. Res. 660, together with appendices. The clerk will report the report, which was made available to members yesterday and copies of which are here on the dais.

THE CLERK: The report directed by H. Res. 660 prepared by the House Permanent Select Committee on Intelligence in consultation with the chairs of the House Committee on Oversight and Reform and the House Committee on Foreign Affairs.

THE CHAIRMAN: The report is open for amendment. Do any members offer amendments to the report?

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

THE CHAIRMAN: The gentleman will state his amendment.

MR. NUNES: I think we are going to pass it out. Mr. Chairman, my amendment is an attempt -- or is an amendment in the nature of a substitute and strikes all the text in the Trump-Ukraine impeachment inquiry report dated December 2019 and replaces it with the report entitled "Report of Evidence in the Democrats' Impeachment Inquiry in the House of Representatives," dated December 2, 2019.

This amendment is necessary to provide the American people with an accurate and public account of events which provides greater transparency for the American people and

increased accountability for Congress. I urge my colleagues to support this amendment, and yield back the balance of my time.

THE CHAIRMAN: Just so my colleagues can understand the nature of the amendment in the order of a substitute, is the ranking member proposing that the committee only issue the minority views and not issue the report of the majority?

MR. NUNES: I am asking to substitute what we passed out. You should have it in front of you.

THE CHAIRMAN: Is the substitute the minority views that the Republicans put out yesterday?

MR. NUNES: Well, they are not going to be -- they are what was released yesterday by three ranking members, but we still have 2 additional days to file our minority views if this is voted down.

THE CHAIRMAN: But the document proposed to substitute for the majority report is the minority --

MR. NUNES: That is correct.

THE CHAIRMAN: -- views that were published yesterday?

MR. NUNES: That is correct.

THE CHAIRMAN: Is it the ranking member's intention then the public should only see -- or the only report that should be transmitted to the Judiciary Committee shall be the views of one party and not the other?

MR. NUNES: You are more than welcome to submit yours as a minority view if you would like.

THE CHAIRMAN: Okay. The question is on the gentleman's motion in the nature of a substitute. All those in favor will say aye. Aye. All those opposed will say nay. No. In the opinion of the chair, the noes have it. The noes have it. The amendment is

not agreed to.

MR. NUNES: Recorded vote.

THE CHAIRMAN: The gentleman requests a recorded vote. The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

MR. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

MR. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

MR. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

MR. SWALWELL: No.

THE CLERK: Mr. Castro?

MR. CASTRO: No.

THE CLERK: Mr. Heck?

MR. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

MR. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

MR. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Conaway?

MR. CONAWAY: Aye.

THE CLERK: Mr. Turner?

MR. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

MR. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

MR. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

MR. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

MR. JORDAN: Yes.

THE CHAIRMAN: Does any member wish to -- I am sorry? The clerk will report the tally.

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THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The measure is not agreed to.

Any further amendments before the committee?

DR. WENSTRUP: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The gentleman will state his amendment.

DR. WENSTRUP: Pass it out first.

Mr. Chairman, my amendment adds a new section to volume one of the report providing additional information that President Zelensky did not feel pressured by President Trump. The report, as written, fails to include exculpatory evidence that Ukrainian Government leadership was not pressured, and did not experience any pressure from President Trump.

Further, this section will clarify that President Trump was not withholding any meetings from the Ukrainians, and that high-level meetings between the United States and Ukraine continued to occur. I urge my colleagues to support this amendment, and yield back the balance of my time.

THE CHAIRMAN: I thank the gentleman. I recognize myself briefly on the amendment. Just looking through it very quickly, it provides, among other things, that the Ukrainian President denied he felt pressured by President Trump. Nonetheless, we heard testimony that, in fact, the Ukrainians not only felt pressured, but continue to feel pressured by the White House to capitulate to the President's demands.

It further provides that President Trump has invited President Zelensky to meet in person at the White House three times, each time without conditions. That was directly contradicted by several witnesses, including Ambassador Sondland, who said that, quite clearly, there was a quid pro quo for that meeting, that is the announcement of these two investigations.

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I would also note that that meeting that was offered, according to this amendment, without preconditions, has still not taken place. I could go through line by line, but I don't think that is necessary. I would urge my colleagues to vote against the amendment.

The vote is on the amendment --

DR. WENSTRUP: Mr. Chairman, if I may?

THE CHAIRMAN: Yes.

DR. WENSTRUP: You know, what you may want to take a look at, too, is that while you are saying these things President Zelensky himself publicly has made the statements that this amendment is about. That is not hearsay. That is not hearsay. This is a direct fact witness. Yeah, that is okay, but I understand what you are saying, but the actual person, the President of Ukraine made contrary statements to what you are saying, Mr. Schiff.

So I yield back.

THE CHAIRMAN: I thank the gentleman. And, you know, I think it is also quite clear, and this was supported by the testimony that we heard under oath, and that is, if the President of Ukraine were to publicly contradict Donald Trump today, the President of Ukraine understands that the retribution would be significant or could be very significant. The President of Ukraine still has not received the White House meeting that he has been seeking. The nation of Ukraine is still heavily dependent on this country and this President.

Is there a motion on the amendment?

DR. WENSTRUP: Mr. Chairman, I just want to know if you are calling President Zelensky a liar?

THE CHAIRMAN: I will rest on the remarks that I have made.

Is the gentleman calling for a motion on his amendment to pass the amendment?

DR. WENSTRUP: Yes.

THE CHAIRMAN: The motion is on the amendment. Those in favor will say aye. Aye. Those opposed will say no. No. In the opinion of the chair, the noes have it. The noes have it. The amendment is not agreed to.

Is there any further amendment --

DR. WENSTRUP: I would like a recorded vote, please.

THE CHAIRMAN: The gentleman requests a recorded vote. The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

MR. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

MR. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

MR. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

MR. SWALWELL: No.

THE CLERK: Mr. Castro?

MR. CASTRO: No.

THE CLERK: Mr. Heck?

MR. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

Mr. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are 9 ayes and 13 noes.

THE CHAIRMAN: The amendment is not agreed to.

Are there further amendments at the desk?

MS. STEFANIK: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The gentlewoman will state her amendment.

MS. STEFANIK: I will wait until they are passed out.

This amendment simply adds an important new section to volume one of the report providing facts relevant to corruption in Ukraine, and specifically, into Hunter Biden's involvement with Burisma. Democrats on this committee have shied away from looking into facts pertaining to the legitimacy of concerns of potential conflicts of interest regarding Hunter Biden's involvement in a corrupt Ukrainian company.

Additionally, it is unfortunate that you blocked the American people from hearing from Hunter Biden directly when even President Obama's own State Department expressed concerns as they were preparing Ambassador Yovanovitch for her Senate testimony. I urge support for this amendment. It simply includes quotes from witnesses under oath, and I think these are important facts to include for the American public to read.

THE CHAIRMAN: I thank the gentlewoman. In the interest of time, the motion is on the gentlewoman's amendment. Those in favor will say aye. Aye. Those opposed will say no. No. In the opinion of the chair, the noes have it. The amendment is not agreed to.

MS. STEFANIK: I request a recorded vote.

THE CHAIRMAN: The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

Mr. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

Mr. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Heck?

Mr. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

Mr. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The amendment is not agreed to.

Are there any further amendments at the desk?

Mr. JORDAN: Mr. Chairman, I have an amendment at the desk, amendment No. 4.

THE CHAIRMAN: The gentleman will state his amendment.

Mr. JORDAN: This amendment deals with Ukrainian corruption. In the

depositions and testimony we heard over the last several months, Secretary Kent, Ambassador Taylor, Ambassador Volker, Ambassador Yovanovitch all talked about the extensive and pervasive corruption in Ukraine. It was because of this corruption and the President of the United States' concern about other European countries not doing enough that aid was paused for 55 days.

During that 55 days, there were five key interactions between President Zelensky and senior government officials of the United States Government. In not one of those interactions, meetings, or the telephone call, not one was there ever a link between security assistance dollars and an announcement of an investigation into Burisma or the Bidens.

But what did happen during that time frame is our government became convinced that President Zelensky was, in fact, going to do what he campaigned to do, deal with the corruption issue in Ukraine, and, therefore, the money was released on September 11. That is what this amendment is about, detailing the extensive and pervasive corruption in the testimony we heard from your witnesses throughout the depositions and open hearings that we had over the past 6 weeks.

With that, I yield back.

THE CHAIRMAN: I thank the gentleman.

I will only say that as the President's own acting chief of staff made clear, the military aid was withheld in part because they wanted to leverage Ukraine to conduct these political investigations. That was also confirmed by Ambassador Sondland who testified that he informed the Ukrainians after speaking with the President that they would be at a stalemate on the military aid unless they made the public announcement of these investigations.

The question is on the amendment by the gentleman from Ohio. Those in favor

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will say aye. Aye. Those opposed will say no. No. In the opinion of the chair, the noes have it. The noes have it. The amendment is not agreed to.

Mr. JORDAN: Roll call, please.

THE CHAIRMAN: A vote is requested. The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

Mr. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

Mr. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Heck?

Mr. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

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Mr. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The amendment is not agreed to.

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Are there further amendments offered by members?

Mr. STEWART: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The gentleman is recognized.

Mr. STEWART: Okay. I will begin as you pass it out. And this actually is not partisan, and it is not controversial. It is something that I think most of you would agree with. Whether you agree with President Trump or not, this amendment simply states the obvious fact that he is skeptical of foreign aid.

It adds a new section in volume one reporting and detailing this general skepticism which has caused the administration to repeatedly request cuts to foreign aid and continue to look for ways to minimize U.S. role in financing foreign countries. At times, I have disagreed with the President on some of these, but it is nearly an inconvertible fact that that is his view.

Reviewing foreign aid has been a common occurrence in the administration, but the Democrats continue to twist this singular instance to fit the story. The amendment would provide essential background information and give context regarding U.S. policies toward Ukraine are much stronger than that of the previous administration. And I would urge my colleagues to support the amendment.

THE CHAIRMAN: I thank the gentleman for his amendment. As the evidence in the open hearings made clear, the President's concern was not over corruption or over a general approach to foreign assistance. The President's interest was in using this military aid to leverage Ukraine to conduct these political investigations.

It was the uniform view of the experts from the Defense Department, State Department, National Security Council, and elsewhere that Ukraine had met the anti-corruption milestones it was required to meet, it was certified to be provided. There was no explanation given for the President's withholding of the aid until it became clear, as

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Ambassador Sondland said, that two plus two equals four, that it was being withheld for malicious purpose.

The question is on the gentleman's amendment. Those in favor --

Mr. STEWART: Excuse me, Mr. Chairman, if I could, this amendment is moot on every point that you have made. It just simply states, as the various witnesses did, that this President is skeptical of foreign aid. That is the only thing this amendment says.

THE CHAIRMAN: I thank the gentleman. None of that skepticism was demonstrated in the conversations the President had with President Zelensky, either when he was supposed to bring it up in his congratulatory call, or when he was supposed to bring it up in the July 25 call.

And it certainly, if the gentleman wishes, can be part of the minority views, but the evidence is, quite to the contrary, here. The Presidents's concern was not about corruption in Ukraine. It was, as Mr. Himes pointed out, about directing corruption at Ukraine.

The question is on the gentleman's amendment. Those in favor will say aye. Aye. Those opposed will say no. No. In the opinion of the chair, the noes have it. The noes have it, and the amendment is not agreed to.

Mr. STEWART: I request a recorded vote.

THE CHAIRMAN: The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

Mr. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

Mr. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Heck?

Mr. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

Mr. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The amendment is not agreed to.

Are there further amendments offered by members?

Mr. CONAWAY: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The gentleman will state his amendment.

Mr. CONAWAY: Our amendment No. 6. Mr. Chairman, number six deals with -- would add at the end -- insert a new section in volume two, paragraph six, add section 10, which deals with at least two of the procedural violations that we believe occurred during the conduct of the inquiries over the last couple of weeks.

One was on November 20, when we believe House Rule 11, clause 2(g)(3) and H. Res. 660 was violated by calling for an immediate vote on the consideration of a subpoena request from the ranking member. Members were not given adequate notice in that

regard.

We believe that also a violation of clause 2, rule -- clause 2(j)(1) of House Rule 11 states that whenever a hearing is conducted by a committee on measure or matter, the minority members of the committee shall be entitled upon request by the chair before the completion of the hearing to call witnesses, plural, selected by the minority staff to testify with respect to that measure, or that matter, at least giving us one day's hearing thereupon.

So we believe both of those were violated, and I would ask for a vote on my measure. Yield back.

THE CHAIRMAN: I would only point out to my colleague that my colleague was the one who made the first motion for a subpoena during the course of the hearing, a motion that we honored. We consulted with the parliamentarian when there were subsequent requests for subpoenas and it was appropriate for us to bring those up in the hearing.

It is true that some of the Republican members left the hearing for personal business or media appearances or other things while we were in the course of an impeachment hearing. That was a decision the members made. It was regrettable that they made that decision and were not present, at least some of them, for the vote. Nonetheless, after consulting with the parliamentarians, it was consistent with the rules that we take it up when we did.

The question is on the gentleman's amendment. Those in favor, will say aye. Aye. Those opposed will say no. No. In the opinion of the chair, the noes have it. The noes have it. The amendment is not agreed to.

Mr. CONAWAY: Recorded vote.

THE CHAIRMAN: On that the clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

Mr. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

Mr. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Heck?

Mr. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

Mr. MALONEY: No.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The measure is not agreed to.

Are there further amendments?

Mr. TURNER: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The gentleman will state his amendment.

Mr. TURNER: Mr. Chairman, my amendment, while it is being passed out, adds a

new section to volume two of the report providing the American people with facts regarding the partisan nature of this impeachment inquiry and the processes established by the chairman.

This report, Mr. Chairman, degrades the important national security work of this committee. The members of this side of the aisle of the committee have been concerned that the Trump obsession (ph) would eclipse the real work of this committee and that has clearly happened before even the Ukrainian call occurred. Unanimously, the members on this side of the aisle called for the chairman's resignation because they were concerned that a partisan impeachment would be initiated and was unavoidable. It appears that our fears were correct.

This report cites hearsay, innuendo, presumptions, opinion, none of which would be allowed in a court of law. It frequently shifts the burden of proof. It requires proof of innocence as opposed to proof of guilt. It essentially concludes, in the absence of proof of innocence, a conclusion of guilt. This report when it hits the Senate, which will be a buzz saw of true legal, not partisan standards, it will cause this report to be an embarrassment to this committee.

Since the chairman has taken the luxury of responding to each and every member's amendment, I am looking forward to his attempt to make this a bipartisan process, which obviously even from the inception on the House floor, the only bipartisan was in opposition to the Democrats' motion to commence this.

And the chairman could forego just responding to my amendment summary by just turning on the television so we could hear this rather lengthy press conference the chairman had in celebration of his report. I yield back.

THE CHAIRMAN: I thank the gentleman for his one-sided, partisan amendment. Those in favor will say aye. Aye. Those opposed will say no. No. In the opinion of

the chair, the noes have it.

Mr. TURNER: I ask for the yeas and nays.

THE CHAIRMAN: The gentleman requests a recorded vote.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: No.

THE CLERK: Mr. Himes?

Mr. HIMES: No.

THE CLERK: Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Mr. Carson?

Mr. CARSON: No.

THE CLERK: Ms. Speier?

MS. SPEIER: No.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: No.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: No.

THE CLERK: Mr. Castro?

Mr. CASTRO: No.

THE CLERK: Mr. Heck?

Mr. HECK: No.

THE CLERK: Mr. Welch?

Mr. WELCH: No.

THE CLERK: Mr. Maloney?

Mr. MALONEY: No.

UNCLASSIFIED

THE CLERK: Mrs. Demings?

MRS. DEMINGS: No.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: No.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: Aye.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: Aye.

THE CLERK: Mr. Turner?

Mr. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

Mr. STEWART: Aye.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

Mr. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: Yes.

THE CLERK: Mr. Jordan?

Mr. JORDAN: Yes.

THE CLERK: Mr. Chairman, there are nine ayes and 13 noes.

THE CHAIRMAN: The amendment is not agreed to. Are there any further amendments before the committee?

UNCLASSIFIED

The question before the committee is the committee's issuance of the report and its appendices as directed by section 2, paragraph 6 of H. Res. 660. All those in favor shall say aye. Aye. All those opposed shall say no. No. In the opinion of the chair, the ayes have it and the report and its appendices are hereby issued by the committee.

Mr. NUNES: Recorded vote.

THE CHAIRMAN: The clerk will call the roll.

THE CLERK: Chairman Schiff.

THE CHAIRMAN: Aye.

THE CLERK: Mr. Himes?

Mr. HIMES: Aye.

THE CLERK: Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Mr. Carson?

Mr. CARSON: Aye.

THE CLERK: Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Mr. Quigley?

Mr. QUIGLEY: Aye.

THE CLERK: Mr. Swalwell?

Mr. SWALWELL: Aye.

THE CLERK: Mr. Castro?

Mr. CASTRO: Aye.

THE CLERK: Mr. Heck?

Mr. HECK: Aye.

THE CLERK: Mr. Welch?

UNCLASSIFIED

Mr. WELCH: Aye.

THE CLERK: Mr. Maloney?

Mr. MALONEY: Aye.

THE CLERK: Mrs. Demings?

MRS. DEMINGS: Aye.

THE CLERK: Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHY: Aye.

THE CLERK: Ranking Member Nunes?

Mr. NUNES: No.

THE CLERK: Mr. Conaway?

Mr. CONAWAY: No.

THE CLERK: Mr. Turner?

Mr. TURNER: No.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Mr. Stewart?

Mr. STEWART: No.

THE CLERK: Ms. Stefanik?

Ms. STEFANIK: No.

THE CLERK: Mr. Hurd?

Mr. HURD: No.

THE CLERK: Mr. Ratcliffe?

Mr. RATCLIFFE: No.

THE CLERK: Mr. Jordan?

Mr. JORDAN: No.

UNCLASSIFIED

THE CLERK: Mr. Chairman, there are 13 ayes and nine noes.

THE CHAIRMAN: The motion is agreed to, and the report and its appendices are hereby issued by the committee.

Without objection, the committee's majority staff is authorized to make any necessary technical, grammatical, and conforming changes to the majority's report and appendices; and the committee's minority staff is authorized to make any necessary technical, grammatical, and conforming changes to any minority views that they may offer in accordance with H. Res. 660.

Without objection, the committee's security director is authorized to review the transcript of today's open business meeting to make any redactions to the transcript that may be necessary to protect classified or other protected information.

There being no further business, the committee stands adjourned.

[Whereupon, at 6:46 p.m., the committee was adjourned.]