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Opening Statement of the Honorable **Ed Royce (R-CA), Chairman**  
Committee on Foreign Affairs  
Markup: H. Res. 1017  
September 13, 2018

(As prepared for delivery)

“This afternoon we meet to consider House Resolution 1017. As members know, we typically want to see extensive bipartisan consultation and at least 25 cosponsors before marking up resolutions.

This measure does not fall into that category. It was introduced with no committee consultation and no cosponsors, as we enter the final stretch of an election campaign. We are here today only because it enjoys privilege under House rules as a ‘resolution of inquiry,’ which we have a duty to report.

Because this resolution clearly intrudes into judicially recognized areas of executive privilege, and would likely require years of contested – and ultimately fruitless – litigation, we should not endorse it. Let me explain.

This resolution would set a dangerous and harmful precedent with respect to presidential communications. It demands from the president every document, communication, transcript, summary, note or memo that relates to matters proposed, discussed, agreed to or otherwise covered during, in connection with or in preparation for his meeting with Russian President Vladimir Putin in Helsinki back in July.

Let me be clear: I strongly disagreed with the president’s remarks in Helsinki. Vladimir Putin is not our friend. And there is simply no comparing the actions of the United States with those of Putin’s Russia. Ultimately, Helsinki was a squandered opportunity to challenge Vladimir Putin’s false narratives on issues including Ukraine, Syria and Russia’s ongoing interference in our democracy.

So I understand the interest in these issues. I’m sure this resolution is a popular idea in some political circles. But ultimately, it is not a wise approach to oversight. Indeed, it would only threaten and distract from the bipartisan legislative and investigative efforts of this committee.

This resolution’s broad demand for documents conflicts with the strongest form of executive privilege recognized by the courts – the so-called ‘presidential communications privilege.’ Rooted in the constitutional separation of powers, presidential communications privilege applies to direct decision-making by the president and also protects communications made, solicited or received by his advisors while preparing advice for him. These privileges are at their strongest when they deal with the president’s core constitutional powers, such as his authority to conduct diplomatic discussions with foreign leaders.

And this is with good cause. Today we have instant communications, but presidents still have and need the authority to meet, speak and negotiate privately with foreign leaders.

Consider the historic Camp David Accords, a diplomatic triumph that strengthened our national security. Members will recall this agreement was preceded by two weeks of confidential negotiations among the American, Israeli and Egyptian heads of state, sequestered in the woods of Maryland. During that time, some were genuinely concerned that Jimmy Carter might undermine the security of our ally Israel. Yet Congress wasn't privy to every utterance.

By constitutional design, we are not in the room for such discussions. We didn't demand transcripts of every conversation President Obama had with the Russians, even after an open microphone caught him asking President Medvedev for some 'space' on missile defense issues, explaining that he would have 'more flexibility' after his November 2012 reelection.

This resolution before us today has implications far beyond our current president or our last president. It is about the ability of all presidents to engage with foreign leaders.

And sadly, this resolution goes against the grain of this committee's important, bipartisan work to confront Russia's dangerous acts. As my colleagues know, this includes:

- Powerful sanctions on Russian hackers and intelligence agencies, passed as part of the Countering America's Adversaries Through Sanctions Act, which the administration needs to better utilize;
- Additional sanctions to punish Russia for propping up the murderous Assad regime in Syria, which the Senate needs to pass on to the president's desk without further delay;
- Successfully pushing for the imposition of new mandatory Russia sanctions under the Chemical and Biological Weapons and Warfare Elimination Act, following Russia's use of a military-grade chemical weapon to poison British citizen Sergei Skripal and his daughter on British soil;
- Creating a strong, reformed export controls process that will better protect U.S. advances in emerging technology like robotics and artificial intelligence;
- Legislatively authorizing the president to provide defensive military systems to Ukraine, and to strengthen its cyber defenses against Russian attacks;
- Reforming the Broadcasting Board of Governors to help revitalize U.S. efforts to counter Russian propaganda and disinformation;
- Enacting the Global Magnitsky Human Rights Accountability Act – named after a Russian businessman who was murdered by corrupt Russian authorities – to hold regimes accountable for human rights abuses; and

- Passing through the full House just last week the Cyber Deterrence and Response Act, to name, shame and sanction foreign actors who carry out cyber attacks against the United States.

We have taken these actions because most of us have been concerned about administration policies toward Russia. I certainly have been.

So I intend for the committee to continue to pursue its serious, bipartisan and consequential oversight. But for the reasons I have laid out, I cannot support this resolution, and urge my colleagues to join me in reporting it adversely to the House.”