BUSINESS MEETING

Monday, January 29, 2018

U.S. House of Representatives,

Permanent Select Committee on Intelligence,

Washington, D.C.

The committee met, pursuant to call, at 5:06 p.m., in Room HVC-304, the Capitol, the Honorable Devin Nunes [chairman of the committee] presiding.

Present: Representatives Nunes, Conaway, King, LoBiondo, Rooney, Ros-Lehtinen, Wenstrup, Stewart of Utah, Crawford, Gowdy, Stefanik, Hurd, Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, and Heck.

THE CHAIRMAN: A quorum being present, the Select Committee on Intelligence will come to order. As a reminder, even though we are in a closed space, we are in open session, and a transcript of the proceedings will be released in accordance with House rules.

Pursuant to Committee Rule 6(c) and House Rule XI, clause 2(h)(4), the chair may postpone further proceedings on which a recorded vote or the yeas or nays are ordered. Without objection, the chair is authorized to declare a recess at any time.

This meeting was scheduled to take up pending business before the committee. The first item we will consider is a request from the ranking member to call to the attention of the House a classified memorandum prepared by the minority.

The chair moves, pursuant to Committee Rule 14(i), that the committee call to the attention of the House the classified executive session memo prepared by minority staff .

THE CHAIRMAN: Do any members wish to be heard?

MR. SCHIFF: Mr. Chairman, I seek permission to address the committee.

THE CHAIRMAN: Yes, Mr. Schiff, you are recognized for 5 minutes.

MR. SCHIFF: Thanks, Mr. Chairman.

I want to begin by expressing my alarm at where we are in this committee. I have served on the committee for 10 years now. This is the first time we have sought to declassify highly sensitive information for a political reason. It is, I think, a terrible line to cross.

The memoranda which the majority will seek to make public today contains any number of misleading representations and factual problems.

The FBI has sought to appear before our committee to have an opportunity to fully inform members of the underlying circumstances and address any concerns that members have before we take the step -- which the Department of Justice has, I think, all too accurately described as extraordinarily reckless -- to publicly release classified information that affects investigative equities and could potentially reveal sources and methods.

I intend to offer three motions today: The first --

THE CHAIRMAN: If the gentleman would yield, I actually made a motion and you requested to make your classified memo available to the House. I actually have moved that, so I have made that motion already.

MR. SCHIFF: Thank you, Mr. Chairman. That is one of the three motions I am going to be making today.

THE CHAIRMAN: Okay.

MR. SCHIFF: The first is to make the minority memo available to all the House Members so they can see a complete factual record of the circumstances

that are referred to in the majority memoranda.

The second is to allow the Department of Justice and the FBI to review both memoranda and to provide a classified briefing to the entire House of Representatives so the full House can be made aware of the Department and FBI's concerns with making this information public, as well as address any of the allegations that have been made in the majority memoranda. At least that way Members would be informed as to the nature of what we are voting to potentially make public today.

Mr. Gowdy and I are apparently the only two members of this committee who have read the underlying materials. At the time the majority sought to release its memo to the full House, I made a motion that all of our committee members have access to the underlying materials before we took that step, and that motion was voted down on a party-line basis.

But I will be making a motion today that both memoranda be made available to the FBI and Department of Justice and that the FBI and Department of Justice provide a classified briefing for the entire House of Representatives to discuss the underlying issues and allegations, as well as the potential repercussions of publishing either or both of these memoranda.

The third motion I will make, if that is rejected, is that if the majority is to take the step of releasing its memoranda to the public, that any motion to do so include the minority memoranda as well so that both are made available to the public.

It will be our intention with respect to the minority memoranda to have that vetted by the Department of Justice and FBI, regardless of what the majority decides to do with its own memoranda. But in the exercise of responsibility, we

want to make sure that nothing that we have written in our memoranda would compromise any sources or methods or impair the FBI's investigation.

So those are the three motions that we will be offering today. And with that, I yield to any other member who wishes to be recognized.

THE CHAIRMAN: Okay. So -- well, Mr. Schiff, you have a few minutes left here, or 40 seconds left. But I will just say that I have made a motion, pursuant to Committee Rule 14(i), the committee call to the attention of the House the classified executive session memo prepared by minority staff.

That was a commitment that we made to you, and so we are making that motion, so you won't need to -- that motion is currently what we are on right now. And we are following up on our word that we would allow you to make a -- put together a report, and we would make that available to the House.

Mr. Conaway.

MR. CONAWAY: Well, thank you, Mr. Chairman.

I intend to vote in favor of releasing the minority memo to the House under the -- subject, of course, that it does not disclose information that would be harmful to national security. It is sight unseen. We are trusting that that would be the case. But that would be the premise, is that I would vote for it assuming that -- sight unseen -- assuming that we could trust our colleagues to not reveal issues that would be harmful to national security.

With that, I yield back.

THE CHAIRMAN: Any other member wish to be heard on the motion?

Ms. Sewell.

MS. SEWELL: Thank you, Mr. Chairman.

So I just really want to just state for the record that I think that if we are

going to release to the public or release, as we have now, just to House Members in a classified setting a memorandum by the majority, that I am grateful that the minority -- that the majority will also release the memorandum by the minority.

I just think that it is really sad that we have come to this conclusion that we need to have two points of view about underlining facts that are in a classified document. I think that that is -- I just want to state for the obvious that I think it is sad that we have gotten to a place where we can't even agree on the facts.

Having said that, I think it is really important for transparency at this point that if we release one to the public, we should release both to the public. So I would make the -- I would express my hope that if we, at the end of all these motions today, decide to release one, that we would release both.

Thank you.

THE CHAIRMAN: Any other member wish to be heard before we vote on the motion?

Mr. Quigley.

MR. QUIGLEY: I just think it needs to be said that we are not interviewing anybody this week. We haven't for a while. We have canceled them. The American public is -- good job talking about this and not what a former CIA Director called the political equivalent of 9/11.

So if the job -- if the task was to distract, delay, deflect, obstruct, mission accomplished. I would like to think maybe we will get past this and we can continue this important work.

I tell my constituents that if they are Democrats or Republicans, they ought to care about this just as much as we do, because you could see scenarios just as these, the ones that we witnessed, in which Republicans were attacked, could be

attacked by Russian, not meddling, but an assault on the democratic process.

And let's not forget -- and we haven't touched this at all -- they hacked into 36 States' boards of election successfully, and Director Comey said they will be back, a direct assault on the democratic process. So if you are a Democrat or Republican, you ought to care about this.

But all this smacks of is deflection, distraction, and quite honestly, acting like you are trying to help the White House address this investigation instead of trying to find out what happened.

MR. CONAWAY: Would the gentleman yield?

MR. QUIGLEY: Sure.

MR. CONAWAY: So as to interviews, we have got Bannon scheduled for 8 o'clock on Wednesday of this week. And you are absolutely correct --

MR. QUIGLEY: The first I heard of it, sir, I apologize.

MR. CONAWAY: Say again?

MR. QUIGLEY: I am just saying, that is the first I heard of it. But I appreciate it.

MR. CONAWAY: Okay. So, yeah, we are assuming he will appear as a result of our subpoena by 8 o'clock on Wednesday morning.

And I would agree with the gentleman's comments about the seriousness of the things that are going on with respect to the Russia investigation that we are all participating in and that, in due course, we need to get those out as quickly as we can.

MR. QUIGLEY: And I just want the gentleman to know that I respect his efforts and the extraordinarily complicated position he is in in these endeavors.

MR. SCHIFF: Would the gentleman yield?

MR. QUIGLEY: Yes.

MR. SCHIFF: If I could, the day after Mr. Bannon refused to answer questions, Mr. Lewandowski refused to answer the same questions. When has Mr. Lewandowski's interview been scheduled, his follow-up interview?

THE CHAIRMAN: I just remind all the members that we are in -- we are currently debating a motion to move the minority report to allow all the Members of the House to read it. This is not a place to discuss the Russia investigation.

But Mr. Conaway, do you have that --

MR. CONAWAY: Just quickly. We are getting Bannon in here. We are getting the issue with the White House squared away. We don't have those issues with Mr. Lewandowski because he does not have the same circumstances. But we were trying to get Bannon done next, and then we will schedule Mr. Lewandowski, as well as others.

MR. SCHIFF: Lewandowski should be even easier because there are no White House issues with Mr. Lewandowski.

MR. CONAWAY: You are right, and we are going to get him in here.

THE CHAIRMAN: Any other members wish to be heard?

Mr. Swalwell.

MR. SWALWELL: Thank you, Mr. Chairman.

I reluctantly support Mr. Schiff's motions, and I believe Mr. Schiff reluctantly brings them forwards, because, as we stated 2 weeks ago, it was our belief, and it still is, that there was a cooperation agreement between our committee and the Department of Justice that there would be limited access to the most highly sensitive of materials as it relates to Russia.

And we have seen the majority break that agreement by releasing a

four-page memo to the whole House. And now we are in a position where we can be silent and get the truth out there by talking around the problem or violating our oath to keeping classified information, which I know no one on this committee, both -- either side would ever do.

And so, Mr. Chairman, I support Mr. Schiff's motion, but I hope that the logic extends throughout the rest of his motions that I am hearing from the majority, which is that if the majority's memo is going to go to the entire body of the House, that the minority's memo will be allowed to; but that, if the majority's memo is going to be allowed to go to the public, that the minority's reluctantly memo would also be allowed to go to the public.

Again, I hope that we can just limit this and not vote to release the majority's memo to the public, because we are, again, violating an agreement with the Department of Justice. We are talking about the most classified materials.

And I take it, Mr. Chairman, as a privilege to serve on this committee. We are 1 of 22 individuals who are trusted to conduct oversight of our Intelligence Community. And Mr. Stewart and I talked about this 2 weeks ago, that to conduct oversight properly, you know, we have the power of the purse, we have the ability to subpoena them and bring them in, but there is also just trust.

And if we were to put out to the public the most sensitive materials that they have trusted us to look at without asking them to conduct a review, without collaborating together to make sure that inaccuracies are not disseminated to the public, we will break the trust with them.

And we may not see the effect of it today or tomorrow, but I promise that, as we bring them in on other non-Russia-related matters, they are going to be more guarded, they are not going to trust us, because we will have broken an

agreement and aired for the whole public something that we have been trusted to conduct privately.

And so, again, I reluctantly support doing this. And I would only support disseminating our memo, which is 10 pages, to correct the record on a four-page memo, to the public if the members of our committee vote to release the majority memo. I hope it doesn't happen. I hope we restrict access to just the House.

And I would yield to the ranking member.

MR. SCHIFF: I thank the gentleman for yielding.

I just want to respond to a concern that Mr. Conaway expressed in connection with the motion to release the minority memo to the House. He expressed a concern that he hopes it was written in a way that wouldn't compromise any sources or methods by its disclosure to the House of Representatives in a classified setting.

I share those concerns. I raised those concerns when the majority made a similar motion a week ago that the FBI and Department of Justice be able to read the memo and brief the committee on whether there would be risk posed by dissemination to the House and the likely leaks that would accompany that. That was voted down.

And the majority had no way of knowing prior to the release of its own memo to the House what impact a leak of that memo might have. Similarly, we don't have any way of knowing what effect it might have.

This is part of the reason why I would hope that the further step of making either of these memoranda public will be only following a briefing from the Department of Justice and the FBI as to the impact on investigative equities and sources and methods by the release of either or both memoranda.

Might I ask the chairman before we proceed further, is it the majority's intention to take up a motion to release their memoranda publicly? And if so, is it the majority's intention to likewise support the release of the minority memo publicly?

THE CHAIRMAN: Well, I would just say that, Mr. Schiff, that this is in response to a commitment that we made to you that you could draft a minority memo, that we would take it up as soon as possible.

You sent a letter last week asking for a business meeting on Monday, which we granted. And I am actually moving -- I think the members on our committee know we made that commitment -- I am moving the motion under Rule 14(i) to make your minority report available to all Members of the House.

And so that is where we are. And then we will take up other matters as they come. It sounds like you are going to have a couple other motions. And we will be dealing with Mr. King's letter that he sent to us.

MR. SCHIFF: I appreciate that, Mr. Chairman. The basis in which the majority offered to make a minority memo accessible to the committee was that out of a sense of fairness or completeness, if you were going to release one to the House, you need to release both. I presume that same logic will apply if the majority intends to proceed with the release of their memo publicly, that if one is to be released publicly the other will as well. And I hope that we can operate on that assumption.

With that, I will yield back, Mr. Chairman.

THE CHAIRMAN: Okay. Any other members wish to be heard?

Without objection, the previous question is ordered. The question is on the motion to call to the attention of the House the classified executive session memo

prepared by the minority staff.

The clerk will call the roll.

The CLERK: Chairman Nunes?

THE CHAIRMAN: Aye.

THE CLERK: Chairman Nunes, aye.

Mr. Conaway?

MR. CONAWAY: Aye.

THE CLERK: Mr. Conaway, aye.

Mr. King?

MR. KING: Aye.

THE CLERK: Mr. King, aye.

Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. LoBiondo, aye.

Mr. Rooney?

MR. ROONEY: Aye.

THE CLERK: Mr. Rooney, aye.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: Aye.

THE CLERK: Ms. Ros-Lehtinen, aye.

Mr. Turner?

[No response.]

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Dr. Wenstrup, aye.

Mr. Stewart?

MR. STEWART OF UTAH: Aye.

THE CLERK: Mr. Stewart, aye.

Mr. Crawford?

MR. CRAWFORD: Aye.

THE CLERK: Mr. Crawford, aye.

Mr. Gowdy?

MR. GOWDY: Aye.

THE CLERK: Mr. Gowdy, aye.

Ms. Stefanik?

MS. STEFANIK: Aye.

THE CLERK: Ms. Stefanik, aye.

Mr. Hurd?

MR. HURD: Aye.

THE CLERK: Mr. Hurd, aye.

Ranking Member Schiff?

MR. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Mr. Carson, aye.

Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Ms. Speier, aye.

Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 21 ayes and zero noes.

THE CHAIRMAN: The ayes have it, and the motion is adopted. Accordingly, the executive session memo will be called to the attention of the House.

The chair is in receipt of a letter dated January 29, 2018, from Mr. King of New York requesting that the committee move, pursuant to House Rule X, clause 11(g), to disclose publicly the information contained in the classified memo made available to the House by the committee vote on January 18, 2018.

A copy of the letter has been provided to all members, and I ask unanimous consent that the letter be entered into the record. Without objection, so ordered.

[The information follows:]

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

Devin Nunes, California, CHAIRMAN

K. Michael Conaway, Texas
Peter T. King, New York
Frank A. LoBiondo, New Jersey
Thomas J. Rooney, Florida
Ileana Ros-Lehtinen, Florida
Michael R. Turner, Ohio
Brad R. Wenstrup, Ohio
Chris Stewart, Utah
Rick Crawford, Arkansas
Trey Gowdy, South Carolina
Elise M. Stefanik, New York
Will Hurd, Texas

Adam B. Schiff, California,
RANKING MEMBER

James A. Himes, Connecticut
Terri A. Sewell, Alabama
André Carson, Indiana
Jackie Speier, California
Mike Quigley, Illinois
Eric Swalwell, California
Joaquin Castro, Texas
Denny Heck, Washington

Paul D. Ryan, SPEAKER OF THE HOUSE
Nancy Pelosi, DEMOCRATIC LEADER

# U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC–304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225–4121

DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

January 29, 2018

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
HVC-304, U.S. Capitol
Washington, D.C. 20515

Dear Chairman Nunes:

On January 18, 2018, I moved, pursuant to Committee Rule 14(i)(1) that the House Permanent Select Committee on Intelligence (the Committee) call to the attention of the House classified executive session material which I believed merited the oversight and attention of the entire House of Representatives.

Since then, over 200 Members of the House of Representatives have reviewed the classified executive session material and many have requested that the Committee make this material publicly available.

While this information has been made available to the House of Representatives, it is our responsibility to inform the American people of these findings in order to be as transparent as possible. I recognize the importance of protecting classified information and do not make this request lightly; however, I believe that the public interest would be served by such disclosure.

Accordingly, I write to request that pursuant to House Rule X, clause 11(g), the Committee vote to make publicly available the classified executive session material in question.

Sincerely,

Peter T. King
Member of Congress

THE CHAIRMAN: Under House Rule X, clause 11(g)(1), the committee may disclose publicly any information in its possession after a determination by the committee that the public interest would be served by such disclosure.

Pursuant to House Rule X, clause 11(g)(1)(a), the committee shall meet to vote on the matter within 5 days after a member of the committee requests such a vote.

In accordance with the public announcement issued on January 27, 2018, and the meeting requirement under House rules, the chair will entertain the written request by Mr. King as an other matter consistent with the committee's notice.

Accordingly, the chair moves, pursuant to House Rule X, clause 11(g), to make public the information contained in the classified executive session memo made available to the House by the committee on January 18, 2018.

Do any members wish to be heard on the motion?

MR. KING: Mr. Chairman.

THE CHAIRMAN: Mr. King.

MR. KING: Thank you, Mr. Chairman.

Mr. Chairman, as the members of the committee know, a few weeks ago we voted to make available to the full membership of the House a memorandum compiled by the majority staff explaining what we saw were some troubling abuses by the FBI and the Department of Justice. More than 200 of our colleagues on both sides of the aisle have come to our committee space, signed a nondisclosure agreement, and reviewed the memorandum.

On January 19, the day after we voted to make this memorandum available to the Members of the House, the committee received a letter from 65 of our colleagues asking us to make this memorandum public under the rules of the

House.

Mr. Chairman and members of the committee, I do not make this request lightly. I have been deeply involved in helping to keep this Nation safe during my 25 years in Congress, including a number of terms on this committee.

Like everyone on this committee, I take seriously the obligation to keep this Nation's most sensitive secrets out of the public domain. However, when there are abuses that go to the core of our democracy, Americans deserve to know.

Contrary to the claims made in the media, this committee has been transparent with the FBI. Yesterday Chairman Nunes and Chairman Gowdy discussed the memo with FBI Director Wray and provided him with a copy to review.

Further, at the request of the FBI Director, committee staff went to FBI headquarters this afternoon and shared the memo with two senior FBI employees for their input.

The rules of the House, dating back to this committee's founding, permit this committee to make this information available to the public.

There are moments in our history when full transparency is required so that all Americans can understand what their government has done. After all, this is the American people's House, and we work for them.

Having carefully balanced the need to keep the information secret with the need to inform the public, I have concluded that this matter requires us to disclose the information in the memo to the American people.

And I thank you, Mr. Chairman, and I yield back.

MR. SWALWELL: Will the gentleman yield?

MR. KING: Surely.

MR. SWALWELL: I would ask the gentleman, what did the FBI say as to dissemination to the public? Are they okay with it?

And I would yield back.

MR. KING: What can we say in open session?

THE CHAIRMAN: Well, if the gentleman will yield?

MR. KING: Yes, I yield, Mr. Chairman.

THE CHAIRMAN: Our goal was to make sure that we were not going to disclose any issues of national security, and we believe that we have met that threshold. And we would hope that if the minority moves to make their memo available to the public, that they will also have the same due diligence to make sure that we make no disclosures that would harm national security.

MR. HIMES: Will the gentleman further yield?

MR. KING: Yes.

MR. HIMES: Just a clarifying question about the motion, a couple clarifying questions.

First, the motion. Is the intent to make the memo, complete with references to FISA applications and other classified -- is the intent to make the memo as presented to this committee and as shown to Members of Congress, that precise memo available to the public, or will there be a process of redaction before that is made available to the public?

THE CHAIRMAN: Only -- yeah. It is to make the content available, is what we will do.

MR. HIMES: Again, we all reviewed a memo with specific words, as did Members of Congress. That memo contained any number of references to highly classified information. So I guess what I am looking for, is that memo word for

word to be made public or will it be redacted or altered in any way?

THE CHAIRMAN: Well, as the gentleman knows, we will send the content over to the White House, and the President has 5 days to either agree with us that it should be made public, or the President could say that he does not want it made public.

And if that was the case, then we would have to move to the full House, have a vote of the full House to make it public, which we would intend to do if the President did say that he did not want it made public.

MR. SCHIFF: Mr. Chairman, I have a secondary motion.

THE CHAIRMAN: Okay. Well, we are on the -- we are on this -- we are on the -- we are on -- so the gentleman has a secondary motion as an amendment to this motion?

MR. SCHIFF: Yes.

THE CHAIRMAN: The gentleman is recognized.

MR. SCHIFF: First of all, I want to let the members know that I spoke with Director Wray today, and he expressed an interest to come before our committee and share the FBI's thoughts and concerns about this memoranda, as well as what public disclosure of the memoranda would mean, and urge that he be given -- that the Bureau be given that opportunity. And I hope the committee will acquiesce to that request of the FBI Director appointed by President Trump.

I will say this. I think we all understand what President Trump will do if we vote to release this document. He has already signaled his interest in it being disclosed even without having read it.

We cannot count on this President to put the national interest over his personal interest. I would hope that we could count on this committee, though, to

put the national interest over anything else.

There is nothing to be lost by giving the FBI and the Department of Justice a chance to give us their feedback before we take this unprecedented step unless we are afraid to hear what they have to say.

My secondary motion would postpone consideration of a vote to disclose publicly the classified document prepared by majority staff until the Department of Justice and the FBI have had an opportunity to brief all House Members in a classified setting on the potential national security and law enforcement impact or harm from such disclosure, including any impact on sources and methods.

So far, we have no input from the Department of Justice apart from releasing this without that scrutiny would be extraordinarily reckless. And that being the case, I strongly urge members to allow the FBI to brief us on the implications of publicly disclosing this information prior to any vote on its release. And that would be my secondary motion.

THE CHAIRMAN: Okay. The gentleman has made a secondary motion.

I would say to the gentleman that the Department of Justice and the FBI have been under investigation by this committee for many, many months for FISA abuse and other matters. That investigation continues. And I would urge my colleagues to vote no, we are not going to be briefed by people that are under investigation by this committee.

Any other member wish to be heard on the motion?

MR. QUIGLEY: Mr. Chairman.

THE CHAIRMAN: Mr. Quigley.

MR. QUIGLEY: As to what you just said, we are not going to get briefed by the Justice Department or FBI while they are under investigation. How long is

that for?

THE CHAIRMAN: On this matter?

MR. QUIGLEY: On any matter.

THE CHAIRMAN: Until this matter is taken care of. As it relates to this, anything that is outside of the scope of this review that we are doing of DOJ and FBI, we will continue to have meetings with FBI and DOJ.

MR. QUIGLEY: Mr. Chairman, the investigation you reference, when was that notion of the investigation brought before the minority to discuss? As time immemorial, we will have at least had some discussion about how to go forward with any investigations, much less of our own DOJ and FBI. When was that discussed with --

THE CHAIRMAN: Is the gentleman yielding?

MR. QUIGLEY: I am certainly --

THE CHAIRMAN: So as you are aware, we have issued several subpoenas that were opposed by the minority. We brought the -- this memo to make it available to the House. That was opposed by the minority.

So we have publicly stated numerous times that we have concerns about FISA abuse, many members on this side. I understand the minority does not believe that there is FISA abuse. But that is --

MR. QUIGLEY: With respect for that answer, there was no formal set sit-down, let's talk about this.

Mr. Chairman, let me ask you one more question.

THE CHAIRMAN: I would just -- if the gentleman would yield, I remind that this committee has many agencies under investigation and those investigations are ongoing, just as the minority might have investigations that are ongoing.

Every Member of this House can conduct -- you have always had my strong support to investigate, review anything under our jurisdiction, and I strongly support that.

MR. QUIGLEY: And if the chairman will give me a little due diligence since I have yielded, I am just reading under "Investigations," 9(a), "The committee shall conduct investigations only if approved by the chair in consultation with the ranking minority member." I am not sure when that ever happened, sir.

But let me ask you another question with the greatest respect. When you, as the majority, conceived of doing this memo for release to the body and to the public, the preparation, the thought of doing it, the consultation of it, was any of this done after/during conversations or consultations with anyone in the White House?

Did they have any idea you were doing this? Did they talk about doing this with you? Did they suggest it? Did you suggest it to them? Did you consult in deciding how to go forward with this before, during, and after this point right now?

I yield.

THE CHAIRMAN: I would just answer, as far as I know, no.

And I would also say that we are well aware that the minority has not wanted to conduct this investigation by the public opposition to the subpoenas that we issued back in August that were clearly looking into matters of FISA abuse and other matters.

MR. QUIGLEY: Mr. Chairman, does that mean that none of the staff members that worked for the majority had any consultation, communication at all with the White House?

THE CHAIRMAN: The chair is not going to entertain --

MR. QUIGLEY: I yield.

THE CHAIRMAN: -- a question by another member.

Do any other members wish to be heard?

Your time has expired.

MR. QUIGLEY: Does that mean just questions you don't like or questions in general, sir?

THE CHAIRMAN: Mr. Stewart? Oh.

Ms. Sewell.

MS. SEWELL: Will the chair consider a motion to also release the minority's memo as well?

THE CHAIRMAN: What I would like to do -- I think the ranking member has said that he wanted to offer three motions. We have approved one of the motions that was made by me. He has now made a secondary motion to the motion in response to Mr. King's letter. We will entertain that motion.

MS. SEWELL: Okay. And will you entertain the motion to actually release the minority memo as well as the majority?

THE CHAIRMAN: We will entertain that motion, yes.

MS. SEWELL: Okay. Thank you.

THE CHAIRMAN: Mr. Himes.

MR. HIMES: It is no secret -- and I have been on the committee, I guess, for 6 years. It is obviously no secret that this investigation has introduced a very sharp and ugly brand of partisanship into the committee.

We are about to take a very, very consequential step. Because I understand, from the answers to my questions, that we will release the majority memos unredacted. And if there is to be a commitment to transparency and to

symmetry, which I heard the chairman endorse, the minority memo will be released to the public in unredacted form.

Two things will happen: An immense amount of classified information will be made available to the public. You have already heard what the FBI and DOJ -- love them or hate them -- what they would consider that. I think the word was "extraordinarily reckless."

Secondly, when all of this information is made available, there will be an accounting for all of us based on what is true. And I was in a terrible position, as I think we all are still, in that I was asked to vote on the majority memo never, despite being the second-senior Democrat on the committee, never having reviewed the underlying intelligence. I think all of us, perhaps, but two remain in that position.

So if that is true -- and I think it is true -- there is absolutely no way for any of us to game out what the outcome is 3 weeks from now when the press has done their thing, when the DOJ and the FBI have made their arguments, about who gets tarred for being imprudent. But it is going to be somebody.

So I am trying to step away from the partisanship here and just support the ranking member's secondary motion to, before we jump into something, before we jump off a cliff without the ability to see what is there -- because none of us have seen it -- and decide that we are going to hinge our political careers -- there are lots of other equities at stake. But believe me, if it turns out that the majority memo is wrong, there will be hell to pay. If it turns out that the minority memo is wrong, there will be hell to pay. And, right now, there are two people sitting here who have any sense at all over whether it is right or wrong.

So I would support the ranking member's, not on a partisan basis but just in

sheer deference to treatment of classified information and sheer deference to self-interest, that we let the DOJ and the FBI, whatever you may think of them, have a voice in this argument.

And I will yield back.

THE CHAIRMAN: Okay. The question is on the amendment pursuant to --

MS. SPEIER: Wait.

THE CHAIRMAN: I was going to move the previous question on Mr. Schiff's amendment.

MS. SPEIER: Well, I would like to speak on it as well.

THE CHAIRMAN: The gentlelady is recognized.

MS. SPEIER: Thank you, Mr. Chairman.

Colleagues, I truly believe that this is a step too far. And I would suggest to you that, as you move forward with the disclosure of all this, you will not be sufficiently feeding the beast, and before long there will be a demand for the FISA application to be made public. And this is a slippery slope I don't think any of us want to see happen to our Intelligence Community.

And I truly believe -- and I would like to second Mr. Himes and our ranking member -- how irresponsible it is for us to vote to make public something that we have not even viewed ourselves. And we are all going to have egg on our face.

Why not do what we do in committee all the time -- haul these bureaucrats in, have them speak to us, ask them questions, review the FISA application, and then we can look at those facts as we see them, and then, if we are so inclined, release these documents?

But, I mean, all of us, as members, have, you know, little hoops in our

noses right now and we are being drawn down this path knowing nothing. And we should be ashamed of ourselves. This is a political act, pure and simple, and we all know it.

I yield back.

MR. SWALWELL: Actually --

THE CHAIRMAN: Without objection --

MR. SWALWELL: Mr. Chairman?

THE CHAIRMAN: Yeah, I would like to move to the vote, but Mr. Swalwell.

MR. SWALWELL: Thank you, Mr. Chairman.

First, I don't accept the premise that the DOJ and the FBI are under investigation. I think they are under oversight, and they are under continuous oversight. And by the chairman's logic, they would never be able to be in a position to review something we wanted to declassify because they are always under oversight.

Now, I understand the parameters of our investigation, but I do not believe that limits their ability to review highly sensitive materials.

But even if it does, I would submit that the Department's suggestion in its letter on January 24 to the chairman is that we have an inspector general, whether it is the Department's or another department's, review the materials so we can have an independent review. It doesn't have to be DOJ. It could be another department that understands classification. It could also be ODNI.

But I would ask that, if the chairman is concerned that the DOJ and FBI are under investigation, that we have some other third party review these materials before they are disseminated to the public.

And I would yield to the ranking member.

MR. SCHIFF: I thank the gentleman for yielding.

In terms of an obligation to consult with the minority prior to initiation of investigation, this is the first time that I have heard formally that the FBI is under investigation, the Department of Justice are under investigation.

It is certainly true that we didn't support the subpoenaed documents, largely because we weren't even told about it until the subpoenas went out, but also because it was our understanding that Department of Justice was willing to cooperate and the FBI was willing to cooperate. And as we have seen in other aspects of the investigation, even cooperative witnesses are sometimes subpoenaed as a way of making a public statement.

It is one thing to subpoena government officials for information as part of an investigation. It is another to say that those very entities are under investigation.

So this is a revelation for us. There have been public reports from time to time that there was a secret subset of people in the majority who were conducting their own investigation. I guess this is what that was referring to. But we have now learned the rather momentous fact that I guess the FBI is under investigation by this committee and so is the Department of Justice.

You know, again, I think what we are seeing here is the result of having a President of the United States who does not respect the institutions of our government or a system with checks and balances. And for that, he has himself to answer. But if we become complicit in it, then we will have to answer.

And it is hard for me to escape the conclusion that this is anything but doing the bidding of the White House. We are accusing the FBI and the Department of Justice here of wrongdoing without giving them any opportunity to be heard.

We are revealing classified information without any opportunity to hear from

these agencies what impact it will have on the investigation or their ability to recruit sources in the future. And I think the Department said it quite all too accurately by calling that extraordinarily reckless.

Our understanding from the Department of Justice is that they concur that there are serious factual inaccuracies in the memo that you are about to vote to release to the public. And I, for one, would like to hear them have the opportunity, along with the Bureau, to come in and share with us their views on it. And that is really the essence of this secondary motion.

With that, I yield back.

MR. SWALWELL: And reclaiming my time --

THE CHAIRMAN: Without objection --

MR. SWALWELL: Well, reclaiming my time, Mr. Chairman. I have a minute left.

To Mr. Schiff's point, I would hope that our colleagues, before voting to release this to the public, would read the minority's memo, which goes to painstaking length to paint a full picture of the inaccuracies that were laid out in the majority's memo.

And, also, you get the sense when you read the minority memo that the majority hasn't read almost most of the materials that it is commenting on. It is essentially releasing to the public a book review on a book it has not read, which I think is irresponsible.

And so I support the ranking member's motion that we first have an independent agency, whether it is DOJ or another inspector general, look at these highly sensitive materials before we recklessly release them to the public.

THE CHAIRMAN: Without objection, the previous question is ordered.

The question is on the amendment pursuant to committee 14(i)(4) to seek the advice of the executive branch agencies, specifically DOJ and FBI, to review the classified memorandum and to provide a classified briefing to the House and delay the public disclosure of the memo released to the House on January 18, 2018.

The clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: No.

THE CLERK: Chairman Nunes, no.

Mr. Conaway?

MR. CONAWAY: No.

THE CLERK: Mr. Conaway, no.

Mr. King?

MR. KING: No.

THE CLERK: Mr. King, no.

Mr. LoBiondo?

MR. LOBIONDO: No.

THE CLERK: Mr. LoBiondo, no.

Mr. Rooney?

MR. ROONEY: No.

THE CLERK: Mr. Rooney, no.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: No.

THE CLERK: Ms. Ros-Lehtinen, no.

Mr. Turner?

[No response.]

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Dr. Wenstrup, no.

Mr. Stewart?

MR. STEWART OF UTAH: No.

THE CLERK: Mr. Stewart, no.

Mr. Crawford?

MR. CRAWFORD: No.

THE CLERK: Mr. Crawford, no.

Mr. Gowdy?

MR. GOWDY: No.

THE CLERK: Mr. Gowdy, no.

Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Ms. Stefanik, no.

Mr. Hurd?

MR. HURD: No.

THE CLERK: Mr. Hurd, no.

Ranking Member Schiff?

MR. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

MR. HIMES: Yes.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Mr. Carson, aye.

Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Ms. Speier, aye.

Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 9 ayes and 12 noes.

THE CHAIRMAN: The motion is not agreed to.

We will now return to the previous question. Without objection, the previous question --

MR. SCHIFF: Mr. Chairman, I have another secondary motion.

THE CHAIRMAN: Okay. The gentleman will state his secondary motion.

MR. SCHIFF: Mr. Chairman, I wish to make a motion to amend the majority's motion to request that a version -- to request that the minority memorandum be made public alongside the majority memorandum, if that is the will of this committee.

I make this motion reluctantly, as I believe it is the responsibility of the committee to protect sensitive information provided to us in our oversight capacity. However, in this case, I see no alternative, given the serious defects and mischaracterizations found in the GOP document.

I believe the House Members have been misled, and I am loathe to see the public misled. As such, should the committee vote to release publicly the majority's document, my motion would allow for public release of the minority document as well.

I will say that it will be our intention, if both memoranda are voted out of the committee, to make our memoranda, at least, available to the Department of Justice and the FBI, subject to their input and redaction before being made public.

But, at this point, our motion would be to join our document with that requested by Mr. King to be released publicly.

Mr. King said, in support of his motion to make the majority memo public, quote, "Full transparency is required." If it is Mr. King's position that full transparency is required, certainly full transparency means full transparency, and that would include the minority views as well as the majority views.

And so I make this secondary motion that, if the majority is intent on publishing their document publicly, it be made public side-by-side with the minority views.

THE CHAIRMAN: Any member wish to be heard on Mr. Schiff's amendment?

MR. CONAWAY: Mr. Chairman?

THE CHAIRMAN: Mr. Conaway.

MR. CONAWAY: Mr. Chairman, earlier in my conversation, I said that I was confident releasing to the House the minority's memorandum unread. I think that would be irresponsible to take that issue this afternoon.

I would prefer to travel a similar path we have given with the majority report, and that is, allow those Members who choose to come down here to read it. We get about a week-plus to reflect on it and to scrub it.

And I would prefer to take that same similar process with a much more detailed memo. Concerning with the 26 or so -- or 36 footnotes to the minority's report and some of the details there that could be described as harming national interests, I think we need time to absorb their 10-page memo before we release it to the full public. So --

MR. QUIGLEY: Would the gentleman yield?

MR. CONAWAY: Hang on a second.

I would, after a time of reflection on the entire House, be favorably inclined to release the memo to the public, but I think that is premature.

And I will yield.

MR. QUIGLEY: I am associating with everything you said and just suggesting that, if we are put in a box and half to release both memos, if we are talking about being fair and just about something this important, wouldn't you agree that if you are going to put it off to do that you would put off so that both could be released at the same time, sir?

MR. CONAWAY: Reclaiming my time, you know, we are a week down. I am not sure of the efficacy of waiting on our memo. It is, in fact, I believe, right to send it to the President. But to ask us to do that with a memo we have just read -- or haven't even actually read I think would be irresponsible.

So I oppose the gentleman's motion to marry the minority report with the majority report at this stage.

And I yield back.

[5:52 p.m.]

THE CHAIRMAN: Any other members wish to be heard on the ranking member's --

MR. SCHIFF: Mr. Quigley is reclaiming the rest of his time.

MR. QUIGLEY: I need to be recognized.

THE CHAIRMAN: Mr. Quigley is recognized for 5 minutes.

MR. QUIGLEY: And I would yield to the ranking member.

MR. SCHIFF: Oh. Thank you. I apologize. I forgot whose time it was.

So, apparently, full transparency doesn't mean full transparency. It means release the majority view first and delay the minority view.

I hope the majority will reconsider. There is nothing that the House Members, upon reading this memo, can tell us, because they don't have any more access to the underlying documents than the rest of this committee. So that is the most paltry of excuses for putting off the disclosure of the minority memo. What are we to --

MR. CONAWAY: Would the gentleman yield for a second?

MR. SCHIFF: Yes.

MR. CONAWAY: It would also give our staff a chance to review this memo in much greater detail than what has been available the last 20 minutes since it has been sitting on our desk.

So, whether it is Members looking at it or majority staff looking at it, I think it is appropriate to give some period of time to make that happen.

MR. SCHIFF: Well, reclaiming the time from my colleague, we provided the majority the same notice we got when it presented us with its minority -- a week or so ago -- with its memoranda a week or so ago.

The problem is your staff isn't in any position to be able to vet our memo or your own for the equities of the investigation and sources and methods. Neither of our staffs is in that position. That is precisely why we have asked the FBI and the Department of Justice to do that.

We can wait a week. I understand the political stratagem. You want your memo to be out there for a week and the public to have only one version for a week so you can set the narrative. That makes this political exercise all the more transparent.

Your staff isn't going to be able to tell you anything about whether your memo or ours could compromise sources and methods, and you are preventing the people who could from being able to speak.

And so let's be honest about what is happening here. This is obviously a Member-canvassed stratagem that was decided before this hearing. "Well, we can't very well prevent the minority; that would look bad. We are calling for transparency. God, we had the whole release-the-memo campaign. How will it look if we don't want to release the Democratic memo? Will that hashtag come boomeranging around on us? Well, okay, maybe the best we can do is delay theirs so that we can get out and set the agenda."

I mean, is that really where we are now? The majority is going to vote to release classified information without it being vetted, even though the Department says that is extraordinarily reckless. Each one of you, to a person, castigated Clinton, Secretary Clinton, for being extremely careless with emails, and now you are going to be extraordinarily reckless with this? I don't know how you reconcile that.

But you certainly can't reconcile it by saying that you are going to get

feedback from your own staff or feedback from House Members, because they are in no better position than anyone else, in the absence of input from the Bureau and the Department, to vet either one of these memoranda.

And I can say this, Mr. Conaway, with reference to your concern: We are going to take a step that you aren't, which is, when this is voted out of committee, if you are going to follow through with your commitment to transparency, we are going to have the Department and the Bureau read our memo and redact it before it goes public. I wish you would make the commitment to do the same. If you are serious about it, if you are serious about protecting sources and methods, you will make the same commitment I am, which is give them the chance to redact anything that could compromise either the investigation or sources and methods.

With that, I yield back.

MR. QUIGLEY: And I reclaim my time. Thank you.

I respect you all. I don't respect this process of what you are doing.

And I am from Chicago, and you know the reputation I have lived with most of my life, working first as a staff person for the Chicago City Council. I saw the worst of the worst. They got nothing on you on this one, folks. This is extraordinary.

And I know what is important here: Let's make sure the White House gets a copy of this first. Because that is who we are all working for, apparently.

Thank you, and I yield back.

THE CHAIRMAN: Without objection, the previous question is ordered.

MR. CASTRO: Mr. Chairman?

THE CHAIRMAN: Ms. Sewell.

MS. SEWELL: Colleagues, I try to use my voice sparingly on this

committee, because I have such deference to the fact that I think all of us care about our national security and take seriously our jobs. But I have to tell you how disappointed I am.

If we are really concerned about transparency, it just is not -- what is 1 week to hold back your memo until both memos can be released? I think it is called fairness.

And I really think that the equities here -- if you are not willing to let DOJ and FBI look at it, okay. But if you are going to release it, it seems to me only in the name of transparency would you do it with both.

And so I guess there is no way around politicizing this. I mean, there could be no other reason that you wouldn't hold off 1 week until both have been, quote/unquote, "vetted." Mike, I mean, I really think that there is just really nothing -- it just reeks and smacks of politics.

And if that is really where we have come, then it is a sad day to be on this committee. And I never thought I would say that, since I thought this committee was the committee that really took serious our national security and people put their own views and their own party's interests aside and tried to do what is in the best interests of all of us.

I just wanted for the record to say that I am very disappointed in all of us that we have gotten to this place.

MR. SWALWELL: Will the gentlelady yield?

MS. SEWELL: Yes.

MR. SWALWELL: Mr. Chairman, I believe it is monumentally inconsistent for any member to vote to release the minority memo to the Members of this House but to block release of that memo to the public.

And I agree with Mr. Conaway that if you want to take a week, just as we have now taken over a week to come back after the majority memo, that would be fine. But in the sake of completeness, a phrase that Mr. Gowdy has invoked a number of times throughout our investigation, for the sake of completeness, for the sake of not drip-drip-dripping to the public information and then a counter-memo, I don't understand why we can't take a step back, take a week, reconvene next week when we are in session, and vote to release both memos.

It is inconsistent for us to release the majority memo and then to block, to issue a gag order on the Democrats from releasing to the public a minority memo. And I hope my colleagues, my friends on the other side will understand that incompleteness and seek to be consistent.

And I would yield back to the gentlelady.

MS. SEWELL: I will give the remaining time to the ranking member if he wants it.

Do you want this time?

I yield to Mr. Castro.

MR. CASTRO: I would prefer that neither memo be released to the public, like many others on this committee, because the public cannot see the underlying source material. And most of us, except for two people on this committee, have also not seen the underlying source material.

So it begs the question, how somebody can make a fair and thorough assessment, devoid of politics, on all of this unless they are able to see for themselves the documents that are being referred to. And it doesn't look like that is going to be possible for the people on this committee, much less the public.

And now, if the majority is going to move forward and release its memo to

the public, I would hope that it would have the courtesy and fairness to either wait for the minority's memo to also be ripe, as you have described, or to somehow release them at the same time.

To not do that would be reckless. It would be an indication that this is an exercise in pure politics, partisan politics, that the intent is to set a political agenda and also just to protect the White House and the President.

I yield back.

THE CHAIRMAN: All right.

Without objection, the previous question is ordered. The motion is on the amendment pursuant to House rule X, clause 11(g), that the minority memo be included with the majority's memo and sent to the President for public disclosure.

The clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: No.

THE CLERK: Chairman Nunes, no.

Mr. Conaway?

MR. CONAWAY: No.

THE CLERK: Mr. Conaway, no.

Mr. King?

MR. KING: No.

THE CLERK: Mr. King, no.

Mr. LoBiondo?

MR. LOBIONDO: No.

THE CLERK: Mr. LoBiondo, no.

Mr. Rooney?

MR. ROONEY: No.

THE CLERK: Mr. Rooney, no.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: No.

THE CLERK: Ms. Ros-Lehtinen, no.

Mr. Turner?

[No response.]

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Dr. Wenstrup, no.

Mr. Stewart?

MR. STEWART OF UTAH: No.

THE CLERK: Mr. Stewart, no.

Mr. Crawford?

MR. CRAWFORD: No.

THE CLERK: Mr. Crawford, no.

Mr. Gowdy?

MR. GOWDY: No.

THE CLERK: Mr. Gowdy, no.

Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Ms. Stefanik, no.

Mr. Hurd?

MR. HURD: No.

THE CLERK: Mr. Hurd, no.

Ranking Member Schiff?

MR. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Mr. Carson, aye.

Ms. Speier?

MS. SPEIER: Present.

THE CLERK: Ms. Speier votes present.

Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 8 ayes, 12 noes, with 1 voting present.

THE CHAIRMAN: Mr. Schiff's amendment is not agreed to.

Without objection, the previous question is ordered. The question is on the motion to disclose publicly the material contained in the classified executive session committee memo made available to the House by the committee on January 18, 2018, pursuant to House rule X, clause 11(g).

The clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: Aye.

THE CLERK: Chairman Nunes, aye.

Mr. Conaway?

MR. CONAWAY: Aye.

THE CLERK: Mr. Conaway, aye.

Mr. King?

MR. KING: Aye.

THE CLERK: Mr. King, aye.

Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. LoBiondo, aye.

Mr. Rooney?

MR. ROONEY: Aye.

THE CLERK: Mr. Rooney, aye.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: Aye.

THE CLERK: Ms. Ros-Lehtinen, aye.

Mr. Turner?

[No response.]

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Dr. Wenstrup, aye.

Mr. Stewart?

MR. STEWART OF UTAH: Aye.

THE CLERK: Mr. Stewart, aye.

Mr. Crawford?

MR. CRAWFORD: Aye.

THE CLERK: Mr. Crawford, aye.

Mr. Gowdy?

MR. GOWDY: Aye.

THE CLERK: Mr. Gowdy, aye.

Ms. Stefanik?

MS. STEFANIK: Aye.

THE CLERK: Ms. Stefanik, aye.

Mr. Hurd?

[No response.]

THE CLERK: Ranking Member Schiff?

MR. SCHIFF: No.

THE CLERK: Ranking Member Schiff, no.

Mr. Himes?

MR. HIMES: No.

THE CLERK: Mr. Himes, no.

Ms. Sewell?

MS. SEWELL: No.

THE CLERK: Ms. Sewell, no.

Mr. Carson?

MR. CARSON: No.

THE CLERK: Mr. Carson, no.

Ms. Speier?

MS. SPEIER: No.

THE CLERK: Ms. Speier, no.

Mr. Quigley?

MR. QUIGLEY: No.

THE CLERK: Mr. Quigley, no.

Mr. Swalwell?

MR. SWALWELL: No.

THE CLERK: Mr. Swalwell, no.

Mr. Castro?

MR. CASTRO: No.

THE CLERK: Mr. Castro, no.

Mr. Heck?

MR. HECK: No.

THE CLERK: Mr. Heck, no.

Mr. Chairman, there are 11 ayes and 9 noes.

THE CHAIRMAN: The ayes have it. The motion is adopted, and the

committee shall transmit notification to the President of the committee's intent to publicly disclose material contained in the classified executive session memo in accordance with House rule X, clause 11(g)(2)(a) and 11(g)(2)(b).

Do any other --

MR. SCHIFF: Mr. Chairman, I have a motion --

THE CHAIRMAN: Do any other members wish to be recognized for other committee business?

MR. SCHIFF: Mr. Chairman? I have a motion to make.

THE CHAIRMAN: The gentleman is recognized for additional committee business.

MR. SCHIFF: Mr. Chairman, reluctantly, as the majority has voted out their misleading memoranda to be made public, I move that the minority memoranda be also made public so that the public will have a full and accurate accounting of the circumstances contained in both memoranda. And I move, pursuant to the letter request I made to the committee, that that be made available to the public.

THE CHAIRMAN: So we can entertain the motion we just voted on, but we can entertain that motion. We just debated it, but we will entertain the motion. Would you like another vote on the motion?

MR. SCHIFF: Yes, motion to release the minority memoranda to the public.

THE CHAIRMAN: Okay. So the previous question is ordered. The motion is on sending the minority's report with the majority report to the White House, pursuant to rule X, clause 11(g).

The clerk will call the roll.

THE CLERK: Chairman Nunes?

THE CHAIRMAN: No.

THE CLERK: Chairman Nunes, no.

Mr. Conaway?

MR. CONAWAY: No.

THE CLERK: Mr. Conaway, no.

Mr. King?

MR. KING: No.

THE CLERK: Mr. King, no.

Mr. LoBiondo?

MR. LOBIONDO: No.

THE CLERK: Mr. LoBiondo, no.

Mr. Rooney?

MR. ROONEY: No.

THE CLERK: Mr. Rooney, no.

Ms. Ros-Lehtinen?

MS. ROS-LEHTINEN: No.

THE CLERK: Ms. Ros-Lehtinen, no.

Mr. Turner?

[No response.]

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Dr. Wenstrup, no.

Mr. Stewart?

MR. STEWART OF UTAH: No.

THE CLERK: Mr. Stewart, no.

Mr. Crawford?

MR. CRAWFORD: No.

THE CLERK: Mr. Crawford, no.

Mr. Gowdy?

MR. GOWDY: No.

THE CLERK: Mr. Gowdy, no.

Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Ms. Stefanik, no.

Mr. Hurd?

MR. HURD: No.

THE CLERK: Mr. Hurd, no.

Ranking Member Schiff?

MR. SCHIFF: Aye.

THE CLERK: Ranking Member Schiff, aye.

Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Mr. Himes, aye.

Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Ms. Sewell, aye.

Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Mr. Carson, aye.

Ms. Speier?

MS. SPEIER: Present.

THE CLERK: Ms. Speier votes present.

Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Quigley, aye.

Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Swalwell, aye.

Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Castro, aye.

Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Heck, aye.

Mr. Chairman, there are 8 ayes, 12 noes, with 1 voting present.

THE CHAIRMAN: Mr. Schiff's motion fails.

Do any other members wish to be recognized?

MR. HURD: Mr. Chairman?

THE CHAIRMAN: Mr. Hurd.

MR. HURD: Can I let the record reflect that at the penultimate vote I would have been a yea and I had to step out. Thank you, sir.

THE CHAIRMAN: Can we ask unanimous consent that Mr. Hurd be recorded as an aye on the previous vote? Any objections?

Hearing none, let the record reflect that.

Any other members wish to be recognized for other committee business?

MR. SCHIFF: Mr. Chairman?

THE CHAIRMAN: Mr. Schiff.

MR. SCHIFF: I move that the transcript of these open proceedings be made public tomorrow.

THE CHAIRMAN: I think they are made public anyway, aren't they? Yeah.

I don't think you need a motion for that.

MR. SCHIFF: Well, I would like to make sure it is made public tomorrow, though, so that the public has a record of these proceedings.

THE CHAIRMAN: It depends on the transcribers, but we will get it out as soon as they are finished.

MR. SCHIFF: How soon can the transcript be available?

THE CHAIRMAN: The transcribers do not answer questions to the members.

MR. SCHIFF: Well, she probably is in the best position to answer that question than anybody here.

THE CHAIRMAN: Mr. Schiff, we will get it out as soon as possible.

MR. SCHIFF: Thank you, Mr. Chairman.

THE CHAIRMAN: I thank the gentleman.

Any other members wish to be recognized for any other committee business?

Seeing none, there being no further business before the committee, the committee stands adjourned.

[Whereupon, at 6:06 p.m., the committee was adjourned.]