

RPTS COCHRAN

DCMN HERZFELD

BUSINESS MEETING - MEMBER ACCESS REQUESTS

Thursday, April 10, 2014

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

The committee met, pursuant to call, at 9:31 a.m., in Room HVC-304, the Capitol, the Honorable Mike Rogers [chairman of the committee] presiding.

Present: Representatives Rogers, Miller, King, LoBiondo, Nunes, Westmoreland, Bachmann, Ruppertsberger, Thompson, Schakowsky, Schiff and Himes.

Staff Present: Darren Dick, Deputy Staff Director; Ashley Lowry, Chief Clerk; Bryan Smith, Budget Director; Sarah Geffroy, Chief Counsel; Frank Garcia, Professional Staff Member; Kristin Jepson, Director of Security; Heather Molino, Minority Staff Director; Michael Bahar, Minority General Counsel; Janet Fisher, Minority Counsel; Bob Minehart, Minority Policy Advisor; Carly Scott, Minority Professional Staff Member.

THE CHAIRMAN: The committee will come to order.

We have nine requests from Members to access classified information for consideration today. I want to remind Members that we are currently in open session. It is my intent to remain in open session during the consideration of these requests. Should the committee vote to move to closed session for some portion of the debate, we will return to open session to vote on each matter.

The requests we have today fall into three categories. Six are for access to DOD's classified initial damage assessment report of the impact from the compromise of classified files by a former NSA contractor; one request is for access to the 28 pages of the Congressional Joint Inquiry into the 9/11 attacks; and two requests are for access to the committee's Benghazi investigation transcripts and to other Benghazi-related documents.

It is my intent to consider and vote on all Member requests to review the damage assessment en bloc. We will then consider and vote on Mr. Garrett's 28-page request and consider and vote on Mr. Gerlach's request for access to certain Benghazi documents.

Before turning to the requests, I recognize Mr. Ruppertsberger for any opening comments he may wish to make.

MR. RUPPERSBERGER: Thank you, Mr. Chairman.

The access requests today involve issues impacting America's national security. Each of these issues involves a military stationed abroad and our citizens at home. We must act according to our committee rules to ensure classified national information remains protected. It is under these considerations that we will evaluate each Member's request today.

Thank you, and I yield back.

THE CHAIRMAN: The committee will now consider pursuant to committee rule 14 whether to grant requests from six Members to access the Department of Defense's Information Review Task Force 2, or IRTF-2, initial assessment of the impact on the Department of Defense of the compromise of classified files by a former NSA contractor. The Members seeking access today are Representative Culberson, Representative Hoyer, Representative Kennedy, Representative McKinley, Representative Scalise and Representative Tiberi.

As Members recall, we have voted to permit access to this report for more than 100 Members in recent months. Taking into account the same considerations as we did then, and considering the same factors required by committee rule 14, paragraph (f), I continue to believe that it is important for Members to read the assessment which concerns one of the greatest compromises of secrets in our country's history.

I will yield to the ranking member for any comments he may wish to make.

MR. RUPPERSBERGER: We agree that Members have an interest in knowing about the impact these disclosures have had and may have on the Department of Defense as well as critical intelligence programs. In this case I believe we can grant the requests without compromising sources or methods, and I recommend that Messrs. Hoyer's, Kennedy's, Scalise's, Tiberi's, Culberson's and McKinley's requests be granted.

Thank you. I yield back.

THE CHAIRMAN: You had a name on there I didn't have on there.

MR. RUPPERSBERGER: I have Hoyer, Kennedy, Scalise, Tiberi, Culberson and McKinley.

THE CHAIRMAN: Tiberi. That was the Italian pronunciation. Well done. I

just want to make sure our lists are exactly the same.

Any other Members wish to be heard on the requests?

Seeing none, the chair moves that under rule 14 the committee approve the six pending access requests to IRTF-2 damage assessment. Without objection, the previous question is ordered, and the clerk will take the roll.

THE CLERK: Chairman Rogers?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Miller?

MR. MILLER: Aye.

THE CLERK: Mr. King?

MR. KING: Aye.

THE CLERK: Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Westmoreland?

MR. WESTMORELAND: Aye.

THE CLERK: Mrs. Bachmann?

MRS. BACHMANN: Aye.

THE CLERK: Mr. Ruppertsberger?

MR. RUPPERSBERGER: Aye.

THE CLERK: Mr. Thompson?

MR. THOMPSON: Aye.

THE CLERK: Ms. Schakowsky?

MS. SCHAKOWSKY: Aye.

THE CLERK: Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Mr. Chairman, there are 11 ayes and zero noes.

THE CHAIRMAN: The ayes have it. And the motion is carried.

Request number 7, Mr. Garrett. The committee will now consider, pursuant to committee rule 14, whether to grant a request from Mr. Garrett of New Jersey to access the 28 pages of the Congressional Joint Inquiry of September 11, 2001. As Members will recall, the committee has voted in the past to grant access to other Members seeking to view the 28 pages. As such, and taking into the same consideration under committee rules, I intend to vote in favor of granting this request consistent with committee rules.

I will now yield to the ranking member for any comments he may wish to make.

MR. RUPPERSBERGER: Yes. Representative Garrett has requested the classified 28 pages of the joint inquiry into intelligence activities before and after the terrorist attacks of September 2001, which is part of the 9/11 Commission report. Given the committee has granted this request for other Members multiple times in the past year, I recommend Mr. Garrett's request be granted.

THE CHAIRMAN: Any further comment on the request?

Seeing none, the chair moves that the committee grant the pending request of Mr. Garrett consistent with the rules of this committee.

Without objection, the previous question is ordered. The clerk will take the roll.

THE CLERK: Chairman Rogers?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Miller?

MR. MILLER: Aye.

THE CLERK: Mr. King?

MR. KING: Aye.

THE CLERK: Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Westmoreland?

MR. WESTMORELAND: Aye.

THE CLERK: Mrs. Bachmann?

MRS. BACHMANN: Aye.

THE CLERK: Mr. Ruppertsberger?

MR. RUPPERSBERGER: Aye.

THE CLERK: Mr. Thompson?

MR. THOMPSON: Aye.

THE CLERK: Ms. Schakowsky?

MS. SCHAKOWSKY: Aye.

THE CLERK: Mr. Schiff?

MR. SCHIFF: Aye.

THE CLERK: Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Mr. Chairman, there are 12 ayes and zero noes.

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

Requests number 8 and number 9 of Mr. Gerlach from Pennsylvania. The

committee will now consider, pursuant to committee rule 14, the request for access by Mr. Gerlach of Pennsylvania to various unredacted documents concerning the committee's investigation into the attacks in Benghazi, Libya, September 11, 2012.

Specifically, Mr. Gerlach is requesting access to several HPSCI transcripts that are currently undergoing a classification review and redaction pursuant to a previous committee vote. Mr. Gerlach is also seeking access to a number of State Department cables, emails and testimony that either the committee does not have in its possession, do not exist, or are already publicly available.

When the committee previously voted to provide access to the transcripts for a classified review, we discussed revisiting the issue of providing access to those transcripts at the conclusion of that review. Members will recall that we previously voted to postpone further consideration of another Member's request to view the same transcripts until the conclusion of the review has been completed.

As such, after discussion, I intend to move that the committee postpone further consideration of Mr. Gerlach's request for access to certain committee transcripts until a later date following the IC's review and redaction of those transcripts. We need not vote on this request to access documents not in the committee's possession. Further, the State Department emails in the committee's possession were released by the White House last year and as such are publicly available.

I will now yield to the ranking member for any comments he may wish to make.

MR. RUPPERSBERGER: As the Chairman has stated, Mr. Gerlach has requested access to certain talking points, email messages, and cable communications, and depositions and transcripts related to the September 2012

attacks in Benghazi. Given that the committee is currently undertaking an ongoing investigation into the Benghazi attacks, in light of these circumstances, I agree with the chairman's recommendation to defer a vote on Mr. Gerlach's request. I recommend that we vote yes on the chairman's motion.

THE CHAIRMAN: Any Members wish to be heard?

Seeing none, the chair moves that the committee postpone further consideration of Mr. Gerlach's February 5, 2014, and March 26, 2014, requests for access to transcripts until a later date.

Without objection, the previous question is ordered. The clerk will take the roll.

THE CLERK: Chairman Rogers?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Miller?

MR. MILLER: Aye.

THE CLERK: Mr. King?

MR. KING: Aye.

THE CLERK: Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Westmoreland?

MR. WESTMORELAND? Aye.

THE CLERK: Mrs. Bachmann?

MRS. BACHMANN: Aye.

THE CLERK: Mr. Ruppertsberger?

MR. RUPPERSBERGER: Aye.

THE CLERK: Mr. Thompson?

MR. THOMPSON: Aye.

THE CLERK: Ms. Schakowsky?

MS. SCHAKOWSKY: Aye.

THE CLERK: Mr. Schiff?

MR. SCHIFF: Aye.

THE CLERK: Mr. Himes?

MR. HIMES. Aye.

THE CLERK: Mr. Chairman, there are 12 ayes and zero noes.

THE CHAIRMAN: The ayes have it. The motion is carried. I would advise the clerk to please inform the Member offices of the votes today.

If there is no further business before the business meeting today, seeing none, without further objection, the meeting is adjourned.

[Whereupon, at 9:30 a.m., the committee was adjourned.]