PRESS CONFERENCE WITH MAJORITY LEADER

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STENY H. HOYER

***

Wednesday, March 5, 2008

11:18 a.m.

Mr. Hoyer. Thank you very much for being here, Wednesday, obviously.

We are doing the mental health parity bill today. We were contemplating doing the House intelligence veto message, but it is my understanding from the White House that they have not vetoed and they are not sure when they are going to do it. They have until Tuesday to do that, but whenever they do it we will consider it as soon as we can.

On Thursday we will be considering the Office of Congressional Ethics, which is the Capuano proposal, which has been updated as a result of further discussions within the caucus and as a result of some of the discussions with the Republicans, although I think it is fair to say there has not been any bipartisan sort of meeting of the minds. For a number of reasons, essentially being that for a year we had this bipartisan committee and, unfortunately, the Republicans did not engage. Then the day before or the day of this bill coming to the floor, they put a proposal on there, on the table. Mr. Capuano I think has addressed it and put before the House a very important reform package.

I would call your attention to Norm Ornstein's article as it relates to the criticisms of Mr. Boehner and others with reference to this proposal.

This proposal has got significant outside support from Common

Cause, from U.S. PIRG and other organizations concerned about the accountability for ethical issues of Congress.

What Mr. Capuano has recommended is that all appointments will be jointly now by the Speaker and the minority leader, as opposed to the original proposal, which was for 90 days they could try to agree and after that they would each appoint three. Now the proposal will say they have to be joint appointments.

It further says that reviews will be initiated by two people still, but one of each party. Members were concerned that one party would initiate complaints against the other for political reasons as opposed to substantive reasons. I think that is a positive.

Review would end unless three people thought it ought to go forward. In other words, we wouldn't have to have a majority, but you would have to have one in addition to the two that initially took the case under review. It would, in responding to Members, Members are rightfully concerned about irresponsible allegations being made which have no substance, but the publishing of them would, once the headline occurs that somebody charges somebody with X, Y and Z, be difficult to discount.

Lastly, that the staff would be chosen as the Ethics Committee, on a bipartisan basis, with specific reference to it being nonpolitical. There was great concern about Mr. Phelan's handling of the Wright case and then running for Mayor of Chicago and using the Wright case as a springboard.

We just had a very, very significant meeting. I think the press conference is going on now, a number of very distinguished economists and some who have worked in the government, some in the private sector, with reference to where we are.

We know that there are very substantial stresses confronting America's families. Since 2001, 1.6 million more people are unemployed. Median household income has decreased by $1,000 since Bush took office. Since 2001 the number of Americans without health insurance has increased by over 8 million. We have lost 3.4 million manufacturing jobs.

Of course, as we all know, the price of gas has escalated from $1.46 when Bush took office to an average of $3.16, which is about what it is in Saint Mary's County where I live, $3.12, $3.14, $3.16, but in some places it is over $4 in our country at this point in time.

We have already passed a bipartisan stimulus package, as you know. The economists all believe that was a step in the right direction, but they continue to believe that there is a severe credit crunch, not only in terms of housing but in terms of credit generally, credit cards, commercial loans, other kinds of credit.

We are very, very focused on this issue, and while we are not saying that there is going to be a further stimulus package, we certainly want to make sure that we are ready if such is needed, and the stimulus package that was passed will probably impact in the third quarter of the year when that money is distributed.

Because it is going to be distributed in a quarter, it ought to have a pretty significant effect. I think that is the consensus. We will see of course, and that third quarter of course begins July 1st.

But we are hopeful that that will have the stimulative effect and jump-start the economy, which has obviously slowed down very much.

We have passed significant legislation regarding housing, we have passed significant legislation regarding investment and infrastructure in the last year, and the budget is going to reflect -- that is now being marked up -- our concern that we would continue to invest in education and health care and other matters of critical importance to the American public.

On FISA, we are still working, as all of you know, very significant number of meetings between the Senate and the House to see if we can come to resolution. That has not yet occurred. Although I think that the meetings have been positive, there are still disagreements that remain. I don't anticipate having a bill on the floor tomorrow as a result.

However, we are continuing to talk about what we can do and where we are going to go next week, and we will be making that decision probably towards the end of the week or first thing next week. We are talking to Members of our caucus, there are some very substantive disagreements, particularly on title II, which deals with the immunity issue and whether or not the

administration, in particular, acted properly in demanding of the communications companies their cooperation without, perhaps, having the appropriate authority to do so.

Again, we may well look at the issue of what happens in the interim. We have said all along, and we continue to believe, that the existing FISA statute authorizes the intelligence community to seek such authority as it needs to act to intercept such communications as it believes are relevant and gives to the telecommunications company the appropriate protections that it needs, so that we believe that the existing law will allow the administration to accomplish what it needs to do. However, we do believe that the existing law ought to be modernized, and we are working on that.

The mental health parity bill that will be on the floor, it is a bipartisan bill. We believe it will get very significant support. As you know, Patrick Kennedy and Mr. Ramstad have been the principal sponsors of that legislation. The bill is important to ensure nearly 54 million Americans who suffer from mental illness are not subjected to discrimination based upon the fact that they have a mental illness rather that a physical illness.

So let me stop with that and try to answer some of your questions.

Q On FISA, have you gotten all the documents you needed to look at?

Mr. Hoyer. All the documents? I would say the answer to

that question is, my personal answer to that would be that we have not gotten information sufficient to know what occurred between all the parties. Most of the documents we have received -- I want to be careful here on what I disclose, but they have largely been government documents; in other words, government-initiated documents as opposed to documents initiated by others.

Q Mr. Reyes said the other day that he was open-minded to the idea of immunity, had an open mind on the topic. Do you feel the same way?

Mr. Hoyer. Well, I always said that, A, we have got to know what we are giving immunity for, B, that I thought immunity was certainly going to be on the table when we tried to resolve this matter. C, I have added, and I think last week but if not I will reiterate it again today, I am frankly more concerned with what the administration did in terms of demanding information and performance by a private sector without perhaps following the law.

This administration is, A, probably the most secretive administration we have had in many years, and, B, the least inclined to believe that it is constrained by statutes. Its signing statements reflect that where they sign a law and say but under article 2, we are not going to be bound on that, and the war powers gives us greater authority to do that.

So my own personal view is I think we ought to have great concern about, A, what was done by the government and, B, how do we prevent it from happening in the future.

As you know, one of the items we are discussing is the exclusivity. That was an amendment in the Senate which got 57 votes. Hillary Clinton was not there. It would have been 58 votes. So it almost got significant support. I would hope that that would be part of any resolution which would say that the FISA procedure is the exclusive means for affecting the interception of the communications.

Q Are you contemplating bringing up title I separately in a revised form and disposing of that first and then taking up immunity later?

Mr. Hoyer. Taking up title I with perhaps some other things as well certainly is an option, yes.

Q Mr. Hoyer, would you call it a preferred option?

Mr. Hoyer. Not this week.

Q So that would give you, give some Members cover, as it were, to vote for one portion of it and not wrote for the other?

Mr. Hoyer. I think title I is far less controversial. I don't mean there aren't differences, there are. But title I is essentially to facilitate, given the new technology of how communications are made, to facilitate the interception of communication, particularly foreign-to-foreign communications to protect our country. I think, frankly, we can get to agreement on that. But title II is far more controversial.

Q And it sounds like that is the way you are going to go?

Mr. Hoyer. Well, no, I said it was one option.

Q But you are leaning towards?

Mr. Hoyer. I am not even saying I am leaning towards it. I was asked is it an option? And the answer is it is an option.

Q So the answer is you are leaning towards it?

Mr. Hoyer. I am not leaning towards an option at this point in time because I am trying to work with the Speaker and trying to create a consensus to move forward.

Q In your meetings within the caucus would you say it is the preferred option among most Members?

Mr. Hoyer. I would say that, as I have said, title I is easier than title II.

Q Mr. Hoyer, it looks like the Democrats' primaries are going to go on another 6 weeks. Meanwhile, Republicans have settled on their nominee. Are you worried about the fracture this may create in the party, and also do you agree with what Speaker Pelosi said before the recess that super delegates should not overturn the burden of voters as pledged by the delegates?

Mr. Hoyer. First of all, let me say that obviously Mrs. Clinton did well last night. The delegate count, as you know, didn't change a whole lot. It obviously changed, but given the procedures that we are following, you may win, you know, 52-48, but the delegates are pretty much 52-48, so the net change is not great.

I have not heard -- what happened, do we have the full caucus in Texas in yet?

Q No.

Q I don't think so.

Mr. Hoyer. I haven't heard it. So I guess we still don't know in Texas what the delegate outcome is. So your question probably is correct, it is going to go on for some period of time.

Q Are you worried about splitting the party?

Mr. Hoyer. I think that, you know, the sooner obviously this is resolved it may be the better. On the other hand, it is going to be a great deal of attention paid to Mr. Obama and Mrs. Clinton over the next few weeks as well. I would hope, my own hope is that they would handle themselves -- as I expect them to -- in a positive way that would reflect well on both of them. The objective obviously is to win the presidency. The objective is to change policy in our country to effect an administration that will both from an international and domestic standpoint adopt a policy that would lead us in a positive direction as opposed to, I just read off to you some of the statistics with reference to our economy, but internationally we are certainly not doing well either.

So that ought to be the objective. I would hope the candidates would conduct themselves in a way that would accomplish that objective.

My expectation is, and my expectation was -- I said this before Texas, Ohio and Vermont and Rhode Island -- that I expected this matter to be resolved by May. I hope that's not the case.

Q What about the super delegates overturning --

Mr. Hoyer. The super delegates, let me give you my view on the super delegates. The super delegates, essentially, in large part, not exclusively, but are elected officials, either Members of the House, Members of the Senate, Governors, other elected officials who have been elected by large numbers of people and most of them, I probably think all of them, have been nominated by their parties, and that may not be true in every case, there may be some sort of independent primary process. But in Maryland, for instance, I was nominated by my party to be their candidate for Congress. I received many more votes than the delegates did lower down.

The super delegates were created, in my view, to bring their judgment, their experience and their commitment to success in the general election and to bring that judgment to bear on how best we can accomplish the most success, and I think that's what the super delegates will do.

Q So they should exercise their conscience regardless of what the pledge delegate total might be at convention?

Mr. Hoyer. I think the super delegates were created, again, to bring their experience to bear on the question of the nominee.

Now, super delegates, you know, that phrase -- but, you know, the super delegates didn't do a bad job with Abraham Lincoln, they didn't do a bad job with Franklin Roosevelt or Woodrow Wilson or even Harry Truman back in the days when the delegates were largely

party leaders or party followers that the leaders liked. They exercised judgment.

One thing the super delegates have for the most part is, in many instances, a working relationship with the nominees. They know the nominees, they know their capabilities, they know their relationships, they know they can make a judgment as to how effective they will be as leaders, as presidents. But I frankly don't expect that to be an issue. As I said, I expect the issue to be resolved prior to August.

Q Given the substantial number of House Democrats supporting -- many supporting each of the two candidates, could this become divisive within the caucus, could it cause problems with legislative objective?

Mr. Hoyer. I don't think it has, Richard. You know, I see no evidence of that happening. Neither Speaker -- as you know, neither Speaker Pelosi nor I have endorsed in the presidential, and I don't have any intentions of doing so in the short term. I don't want to speak for the Speaker, because I haven't talked to her about her immediate intent, but my impression is that she is not going to do so either. Our feeling is that our job is to lead the caucus and to keep the caucus unified. And I don't see the fact that Member A is for presidential candidate Obama or presidential candidate Clinton as dividing them on the issues that we are considering here.

For one thing, I don't see the candidates very deeply divided

on the issues. In a campaign of course you tend to focus on the differences, and therefore make them bigger than they are, but I think generally speaking they are pretty much in agreement.

Q How much would you rate interest in the campaign by your Members?

Mr. Hoyer. I think there is great interest. I think there is great interest in the country. I think this is one of the more interesting and more focused upon presidential primaries in recent history.

Q Mr. Hoyer, you didn't mention the GIVE Act on your list for tomorrow. Is that still coming up?

Mr. Hoyer. That is a possibility, yes. I am sorry. I had it on my list and I didn't mention it.

Q I just want to double-check.

Mr. Hoyer. It is the AmeriCorps. We don't believe it is controversial and we may put that on tomorrow.

Q You may do that tomorrow?

Mr. Hoyer. We may, yes. I talked to Mr. Miller about it today, and he is ready to go.

Q When you said you think the nomination will be settled by May, do you think a joint ticket is possible for the Obama ticket? It seems one way to resolve this by May, otherwise you will go into the convention unresolved.

Mr. Hoyer. Obviously, it is a very, very close contest, and I think closer perhaps than people expected yesterday, and we are

looking at it today. Yes, is that possible? You know, Kennedy took Johnson and there have been other -- when you read "Team of Rivals," I don't know how many of you have read "Team of Rivals." If you haven't read it, you really ought to read it. It is an excellent book about Lincoln. Four or -- three or four of the people who ran up against him in the convention ended up being in the Cabinet. Why do you do that? You do that because in a convention, in a party, you have various people representing various factions of the party. Obviously the way to be most successful is to try to bring together the various elements in your party to try to cooperate with one another, to try to move forward.

So I think that's a possibility. I don't know that it is a probability. Frankly, I think it depends perhaps on -- you know, one of the problems is, who is on top and who is President and who is Vice President. That is a significant discussion in that kind of a marriage.

Q She kind of left the door open for that last night, Senator Clinton did. Is that something party leaders would push for them to do?

Mr. Hoyer. Let me say this, I think that we have two extraordinarily able people running for President, and I think that the party would be pleased with either one of them and enthusiastic about either one of them. I think the party, with them together, would be equally pleased. So I think the answer to

that question is -- I didn't hear Senator Clinton, how she left it. That's news to me. I went to sleep relatively early, about 11:00?

Q She said it this morning on Good Morning America?

Mr. Hoyer. What did she say?

Q It is a possibility.

Q She kind of cracked the door a little.

Mr. Hoyer. Yes, I think, you know, I think a lot of us believe that's a possibility. Look at Ronald Reagan and George Bush, they went at one another pretty hard you know, voodoo economics, but became wonderful supply-side economics within about 6 hours. It is an amazing business we are in. Flexibility is, you know, a hallmark.

Q But if you guys are in charge and you got the message to the party, is it something, you could get them all in a little room and say look, Barack, and look, you know, Hil, we have got to save the world here. Is it something that leaders could bring themselves together and say, hey, we have got to do this for the good of the country?

Mr. Hoyer. I don't know that there is any leader in the country that can get them in a room and say, hey, look, Barack, look, Hil. Certainly I am not going to try to say that. Having said that, I think what your question really looks to is eight people give their advice and counsel on that. Of course, there will be discussions and there always are discussions, so it is not

anything that is unique to this particular contest.

What is unique about this particular contest is you have got two people who are doing extraordinarily well in different areas and some in the same areas, and they are raising a lot of money, they are very viable, they are very well respected. Barack obviously is perceived as an extraordinary motivator of people. Mrs. Clinton obviously has resonated with a significant large base in the party, so they both have great strengths. Marrying those strengths would not be, you know, surprising.

Q On the Capuano ethics bill, how would you describe the reception the amended version got last night at the caucus, and do you have the votes yet to pass this tomorrow?

Mr. Hoyer. I have not talked to Clyburn this morning, so I don't know the answer to your last question. I hope so. The reception. I think, you know, it would not be unusual for any of you if there was an ethics bill for Members of a capital press group --

Q Heaven forbid.

Mr. Hoyer. -- to be very interested in what it says, because that is your daily life and you want to figure it out. How does it affect me? How did does it affect what I do? So it should not be very surprising that Members are concerned and want to know the details and have apprehensions about what you are setting up. After all we live in a fishbowl. We live in a fishbowl in which there are partisan reasons to disparage each one of us, whether

you are a Republican or a Democrat, and that happens on a relatively regular basis. So I don't think it is surprising that Members are concerned about what process you are setting up.

Now I have advised Members that I believe this process will give the public greater confidence, number one, and, number two, not expose Members to any greater risks than they are under now. Obviously, anybody can now say I am sending something to the Ethics Committee because I believe Steny Hoyer has acted improperly in one way or another. They can do that now. I don't see this as any additional vulnerability.

But, you know, you would be, I think, shocked if Members just sort of shrugged their shoulders and said, well, I don't care about the process. Whatever it is, it is. They are concerned about it now. I'm hopeful that we will have the votes. Mr. Clyburn is checking on that now.

Last question.

Q One of the Republican complaints about this proposal is the Ethics Committee itself moves slowly and often gets locked along partisan lines. Is there anything in this bill that would change what the Ethics Committee does? Couldn't the complainant go to this new office, go before the committee and get bogged down the same way they get bogged down now?

Mr. Hoyer. I think that's possible, but what you have here, I think, which is why I think Mary PIRG and Common Cause and other groups believe it is a significant step forward, and Norm Ornstein

wrote that, is what you have here is nonmembers, nonpresent members looking at issues, making determinations whether they ought to move forward. I think because of that the public will have a greater confidence level that things are being looked at. The Ethics Committee is much more active than the public believes. Ask any Member who has served on the Ethics Committee. Most of what the Ethics Committee does is secret just as a grand jury is secret. Why is a grand jury secret? Because allegations are made that can very badly damage reputations, particularly if you are in public office, that may have no basis, that may not be at all justified.

So until such time as people see justification for moving forward, then they should be in my opinion secret. However, here you are going to have, hopefully, six distinguished citizens with great integrity and good reputations that you are going to have confidence in and others are going to have confidence in, going to be appointed jointly by the Speaker and the minority leader, who will make a, in effect, threshold determination of whether something ought to move forward. If they make that determination, my expectation would be that the Ethics Committee would also take it very seriously.

Now, is there a chance for gridlock? There is. I frankly think the Republican proposal that if there was not action within, what is it, 30 or 45 days, I forget, after we send it to the U.S. Attorney's office -- much of the ethics do not deal with criminal

law. They deal with things that are not necessarily criminal but might be a violation of the rules of the House. That is a very distinct matter, a difference, and, very frankly, I don't believe that most Members would feel that the U.S. Attorney's office ought to be judging the rules and adherence to the rules of the House. After all, the separation of powers clearly points that out.

Now if it is a criminal matter that is different. Frankly, obviously, as we see in the Renzi case and the Cunningham case and the Jefferson case and other cases, the U.S. attorneys do get involved at times of criminal behavior.

Thank you very much.

[Whereupon, at 11:50 a.m., the press conference was concluded.]