

PRESS CONFERENCE WITH MAJORITY LEADER,

STENY H. HOYER

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Wednesday, October 10, 2007

11:40 a.m.

Mr. Hoyer. Let me say that obviously we are continuing to hope that the President and a number of Republicans will change their mind and support the reauthorization of the Children's Health Insurance Program. We believe it is a critically important program, supported by over 70 percent of the American public.

As you know, I believe that the President has said he would do, if re-elected, exactly what we have done. I said this in my radio address in response to the President on Saturday and reiterated that, Mr. President, we have done what you said you would do, and we now need to enact it.

We are hopeful that we will receive the votes of a sufficient number of Republicans to override the President's veto. And we believe those votes are in the Senate and hopefully will be in the House as well. If that happens, it will reflect the sentiments of 81 percent of the Democrats in the country, 69 percent of the Independents and 61 percent of the Republicans, who, in polling data, all believe that the veto -- that this program ought to be reauthorized, and that the bill that was passed ought to go forward. Senator Grassley, Senator Hatch, Senator Roberts, other very senior Republican Senators, 45 Republicans in the House, including many senior Republicans in the House, believe that as well.

It is a fiscally responsible bill. It does not do what the President suggested, to authorize up to 300 percent -- 350 percent of poverty, not the 400 percent in New York that the President keeps referencing, the \$83,000 figure. In fact, they have turned down that waiver so that the continuing representation that that is what the bill does is simply inaccurate and is meant to, I think -- whether it is meant to or not, misleads the American public.

Secondly, I met with a number of you yesterday on the Foreign Surveillance Intelligence Act and the FISA Court issue and the reauthorization of FISA. As you know, on February 5 the temporary measure expires. We are therefore in the process of reauthorizing. The Intelligence Committees have been meeting, the Judiciary Committee has been meeting and reported on -- or they are now marking up a bill today. That bill, we believe, does both of the objectives that I think the administration and I know that we want to accomplish. I hope the administration wants to accomplish both objectives.

Clearly we all agree that we want to adopt legislation which facilitates the ability of our intelligence organizations, our defense organizations to gather such information as is necessary to protect America and Americans. At the same time we want to protect Americans here at home in their constitutionally guaranteed rights.

We do not believe that those two objectives are incompatible with one another, and we believe that the bill that has been proposed by the two committees does, in fact, accomplish those objectives.

We believe, further, that in testimony over the last few months, that the Director of National Intelligence has indicated on a number of occasions that the provisions in the bill do, in fact, accomplish the objectives that he seeks, whether it is intercepting the foreign-to-foreign and taking into consideration the fact that that communication now technically goes through a switch located on U.S. soil, but that foreign-to-foreign would be still interceptable without warrants, but that targets in the United States would have to, as they do now, or as they did, require that they go through the FISA Court.

The great distinction between America and many other societies is that our Constitution, the oldest Constitution in being in the world, has for over two centuries guaranteed to Americans protections in their privacy against government intrusion without probable cause. The bill that is proposed gives life to the FISA Court, reiterates those constitutional principles on which this country was founded and which has sustained us for a very long period of time.

I think that the bill has broad-based support. There are some who would like to go further in protecting rights.

There are some who would like to go further in empowering the government. Obviously what our Founding Fathers wanted to do was to find the right balance. We believe this bill has done that.

Questions.

Q On **SCHIP**, is there any evidence that the campaign either inside the Capitol or with the interest -- with your interest groups on the outside is having much impact at getting to the two-thirds?

Mr. Hoyer. Richard, I think there is certainly evidence that we will have more votes voting to override than we had votes to pass. In other words, there are more than 265 Members now who have said that they are going to vote to override the veto, some publicly, some privately. So there is that evidence that we are moving towards the objective of the 289, 288 that we are going to need to override the veto. So I think there is some evidence.

Q What can we expect during the next week, anything --

Mr. Hoyer. Well, as you know, there are groups that are interested, whether they be the AMA, the AARP, the children's advocacy groups, so many groups that are working individual Members who, for one reason or another, saw fit not to vote for the bill when it initially passed, and they are being urged to do so. Obviously some -- the campaign committee, Democratic Campaign Committee, has been running

some ads, urging citizens to contact their Members.

As I said, 72 percent of the American public supports this program, you know, 81 percent of Democrats, but 69 percent of Independents and 61 percent of Republicans. So there is no group that has been polled recently that is not in favor of moving forward with this bill. We would hope that that fact alone would impress at least two-thirds of the Congress to override the President's veto.

Q The FISA bill that is being made by the Judiciary Committee, Intelligence Committee, does not include community prospective or retroactive -- does not include retroactive immunity. Do you think that they should be giving that immunity? Do you think the final version of the bill will include that provision?

Mr. Hoyer. Let me -- first of all, you changed, you corrected yourself. Prospectively, obviously a company acting pursuant to law ought to be given, in my opinion, immunity for complying with the law.

With respect to retroactive immunity, I said yesterday, and what I believe today and will believe tomorrow, that that issue cannot be properly considered by the Congress of the United States until such time as we know what we are being asked to give immunity to. Blind immunity is not something that I think is justifiable; that is to say, simply saying whatever you did, you are immune from any

wrongdoing that may have occurred.

Now, perhaps no wrongdoing occurred. Maybe everybody acted in good faith. Perhaps the Congress will decide, which is your question, that giving retrospective immunity is a proper policy. But until we have the information as to what was done and why it was done, and the justification for those actions, then we cannot, I think, properly address that issue.

Now, what I indicated yesterday, what I indicate today is that we do not -- I do not, and I don't think we do -- reject out of hand the consideration of that issue. It is important to obviously the telecom companies. It is important to others.

Q Mr. Hoyer, the President this morning came out against the resolution that the Foreign Affairs Committee is going to consider this afternoon on Armenian genocide, and it seems to be creating some diplomatic problems. Can you --

Mr. Hoyer. Yeah, let me speak to that. I just came from a meeting with Speaker Pelosi and myself, and the Ambassador from Turkey to the United States, and the DCM, the number two at the embassy.

I don't want to presume what the outcome of the Foreign Affairs markup will be. I am hopeful that it will be positive. I made it clear -- I made the following clear to

the Ambassador. A, the administration -- I talked to the President on Sunday. We were together Sunday in Emmitsburg at the fallen firefighters memorial service. The President made it clear to me that he would hope we did not pass the Armenian genocide resolution.

Secretary Rice was in my office on Wednesday a week ago and said that -- exactly what you have articulated, the administration's position that she would hope that we did not pass it. Seven of her predecessors signed a letter with her asking us not to pass the resolution.

I have been in the Congress 26 years. I chaired the Helsinki Commission for 10 years and served on it for over 20. I believe that our government's position is clear, that a genocide was perpetrated against the Armenian people approximately 90 years ago, and during the course of the First World War, and that I believe that remembering that and noting that is important so that we not paper over or allow the Ahmadinejads of the next decade or decades thereafter to deny the fact. Many other countries have passed similar resolutions, France being one, but other countries as well.

For 25 years I have been told -- because I have sponsored a single resolution for a quarter of a century -- I have been told that this was not the right time to pass this. I understand that. I understand it in the sense that

from the point of view of some, there would never be a time. So it is not a question this is not the right time. The real position is, this is not the right thing to do.

I disagree with that. I think the majority of Members of the House disagree with that. I am hopeful that we will move it forward. I made it very, very clear to the Turkish Ambassador, A, that I considered Turkey a very strong and important ally. B, I considered the Turkish people and the Turkish Government to be friends, that this was about another government at another time and should not be perceived -- although it is obviously so perceived -- should not be perceived as a reflection on the present government, the Turkish people or their present posture. But candidly, the Turkish Ambassador reiterated what the administration has said: He believes that it will have an impact on relations.

Speaker Pelosi made, I think, a very cogent observation. Earlier this year we passed a resolution on comfort women, women who were utilized by the Japanese Government in a way that was inappropriate and undermined their human rights. The Japanese were not pleased, but the Japanese overcame it, and our relations were not undermined. It was a temporary blip. We would hope if there is a blip, that it is temporary, and that our relations with Turkey and the Turkish people and the Turkish Government will remain

strong and will facilitate the best interests of both countries. Neither country, neither country, will be advantaged if the reaction to this resolution's passage, if, in fact, that occurs -- neither country will be served by a rupture in relations.

Q If it passes the committee today, how quickly would it come to the floor?

Mr. Hoyer. Well, it will come to the floor before we leave here on November 16.

Q On **SCHIP**, other than pressuring Republicans who might switch with ads or urging their constituents to call them, what are you offering them in terms of positive incentives to come over to your side, like one or two examples maybe of things you might be able to or have been offering Republicans to get this big vote for you through?

Mr. Hoyer. I don't want to sound too naive, but what we are offering everybody who votes on this is 4 million American children covered under health insurance who are not now covered and a continuation of the 6.5- or 6 million people who are now covered.

The President has proposed dollars for this program, which will result, as you have heard me say, in over 800,000 children being removed from the protections that the Children's Health Insurance Program currently in being offers. So what we are offering is not just ads, but

hopefully the intellectually compelling argument that this is good policy for our children and for our country, a proposition that we keep reiterating, the President articulated in 2004 in his speech to the Republican National Convention. So we are urging Republicans to join this because it is good policy, it is good for our country, it is good for our children.

Q Senator Reid has said a couple of times, no deals. If this override vote fails, he has used the spongy rag metaphor, that you can't wring any more water out of the compromise. He has said, no deals. Is that your position as well?

Mr. Hoyer. Speaker Pelosi and I have both said that this issue will not go away. We will continue to press this issue until we cover the substantially increased number of children we have provided for.

Q Why have you not sent -- talking about some of the spending bills -- the ones that have passed the Senate and they have appointed conferees, why have you not sent those bills to the President? And when do you anticipate you might get some of those conference reports on the floor?

Mr. Hoyer. Well, we don't have conference reports yet. There are no conference reports yet.

Q Right. You do think we will have them, though, at some point?

Mr. Hoyer. Well, at some point in time, hopefully we will have some conference reports, yes. Mr. Obey and I talked this morning. Mr. Obey and two committee staffs are working together on the passed bills informally, trying to see if they can reach agreement. The Senate is passing other bills now, and we hope to be able to send bills down to the President prior to the November 16 break. I don't know how many bills we can get down there. The more, the better, from my perspective.

I reserved time in the last 2 or 3 weeks that we have left between now and November 16 to consider bills on the floor, conference reports on the floor. I am hopeful that we will be able to do that.

Our process has been complicated by the fact that the President, without seeing the bills, has indicated he is going to veto them if they don't fall within his financial constraints of his numbers. I pointed out to you that his numbers reflect a \$16 billion cut in the baseline, \$16 billion cut from last year's spending, effectively -- do you all understand what I am saying -- in real terms, because you can't buy as much with yesterday's dollar today as you could then. Our bill reflects a \$5 billion-plus increase over baseline. That is where you get the 21-, and then you get \$2 billion of advanced funding. That is where you get to the \$23-?

We really believe that the difference between the President and ourselves in terms of numbers is very small, and that we believe that these bills have passed with an average of 285 votes, so these have not been closely passed bills. Some have passed with over 400. The military construction/veterans bill passed with over 400 votes. Defense bill passed very handily. Other bills have passed handily, some closer than I think the differences were on the appropriations bill of one because of the Mexico City policy and the foreign operation bill made it closer.

But we are hopeful that we can move ahead with individual bills, but we are certainly going to do everything we can to have the funding for the government completed by the time we leave and not carry it over, as has been done in numerous years prior to this, to next year. We don't intend to shut the government down. We think that is bad policy. The President and I discussed this on Sunday. He believes that is a bad policy. So I am hopeful that the administration and ourselves can reach agreement which will result in funding the government at levels that can be agreed upon under policies that can be agreed upon ultimately. There are differences. Hopefully we can resolve those.

Q Next week on the floor will be the CHIP override attempt and FISA?

Mr. Hoyer. I am sure FISA will be on the floor next week. I didn't read you the schedule. We will have a press shield bill. We will have a press shield bill on the floor next week. You don't care, Roger? You are not jumping up and down.

Q He wants to know what it shields us from.

Mr. Hoyer. I have so many answers to that that I have prudently not given.

We will have an Oversight and Government Reform Iraq corruption resolution that will be out of Mr. Waxman's committee. As you know, there has been some very significant testimony with reference to the failure of the Maliki government to allow corruption investigations of the government.

Railroad security bill will be on, FISA will be on, **SCHIP** veto override will be on. So it will be a full week next week.

Q One last question.

Mr. Hoyer. I will take two.

Q Mr. Hoyer, on FISA, Mr. Holt has introduced a leading bill. Is it having any particular impact on what is going to be brought to the floor next week?

Mr. Hoyer. Well, the committees will mark it up, and we will see what the committee product is, and the committee product will be reported to the floor. Without comity on

Mr. Holt's bill -- I haven't seen Mr. Holt's bill, but --

Q It is more restricted in nature, obviously. Are further deals along those lines possible? Or is this a bill --

Mr. Hoyer. David, don't let Stacy see. But ask your question.

Q Can you tell us about your chat with the President on Sunday?

Mr. Hoyer. Very, very brief. We were at a memorial service.

Q When you guys say it is bad policy to shut down the government, bad policy, do you really talk to one another where he says, we ought to get to talk on these appropriations or --

Mr. Hoyer. It was --

Q He keeps wanting to talk, he says, now on CHIP, but he doesn't seem to want to talk on appropriations.

Mr. Hoyer. Well, candidly, I sat at the White House about a month ago sitting around the table. The President and I have a pretty easy relationship with one another. We talk to one another. Obviously we disagree on some substantial things. And I articulate that disagreement on a regular basis, as all of you have heard. But we have a very cordial relationship. And we were waiting to go up on stage at the memorial service, and we were talking. We talked

about the appropriation bills. And I said, Mr. President, I am hopeful that we can come together and resolve these issues because I don't think we are that far apart. And I said, we certainly don't want to shut down the government. He said, well, I agree with that. We don't want to shut down the government. That is bad policy. And, you know, I am certainly prepared to talk about it.

But what I said at the White House a month ago was, Mr. President, we come down here, and we meet, bipartisan delegations meet, Senate, House. And, very frankly, I have not left one of the meetings where I thought we resolved something where an agreement was reached; okay, we will go ahead make a compromise, and we will do this. That is not happening. I am hopeful that we can break new ground. So I think it is accurate.

I am going to do one more question.

Q Very quickly. Sorry. Mr. Rangel obviously is working on the mother of all tax bills, which includes a permanent fix on AMT. Is the leadership going to get on board on this bill? And is it something you will get to this year?

Mr. Hoyer. I don't want to speak for the leadership. I think I have articulated before I share Mr. Rangel's goal. I think a temporary patch is not good policy. We may have to do that if we can't do something permanently. But I

think it is costly. In the past what the Republicans have done, have done a temporary patch. It costs about \$50 billion. They borrow the money, not paid fully. I think that is bad policy.

I think we ought to have a permanent fix to the AMT. Whether or not Mr. Rangel will move ahead on that -- and the leadership has not taken a position on this as collective leadership. And I am not speaking for the Speaker.

Q Think you will get to it this year?

Mr. Hoyer. I am hopeful.

[Whereupon, at 12:04 p.m., the press conference was concluded.]