PRESS CONFERENCE WITH MAJORITY LEADER

STENY H. HOYER

***

Tuesday, October 16, 2007

11:35 a.m

Mr. Hoyer. Good morning. Sorry I am a little late.

Floor schedule. We are meeting today at 9:00, 10:00 for legislative business, with two bills on the floor, House resolution regarding withholding of information on corruption in Iraq.

I hope all of you have reviewed the various comments that the inspector general has made, that the GAO has made, that the Iraqi minister, or -- I don't know if he is a minister, he is a judge -- has said about corruption being rampant. It is a pretty consistent message on corruption in the Iraqi Government, and some assertions of coverup by the Maliki government and protection of those who may be involved.

In addition to that, there are assertions of widespread diversion of funds sent to Iraq either in a corrupt way or in a way that enhances the efforts against us as a Nation.

In addition, the Suspension today, the Internet Tax Freedom Act, which we expect to pass handily. It passed out of committee unanimously.

Tomorrow, we will go to the FISA bill and to the Federal Railroad Safety bill.

I have been joined today by Mr. Reyes, who is the Chairman of the Intelligence Committee, and he will have some comments to make after mine with reference to the FISA

bill that will be considered on the floor tomorrow.

On Thursday there is one item of business, and that will be the consideration of the override of the President's veto preventing the addition of 4 million children to our health insurance program in America. We are hopeful that Republicans will see their way clear to disagreeing with the President of the United States.

That's not been the practice over the last 6 years where the President of the United States has in effect dictated to the Congress what policies we could and could not pass. The reason there have been no previous vetoes is because, as I have said before, the Congress was compliant, and therefore complicit, in many of the bad policies that we have been pursuing.

The Republican leadership is again asking the Republican Members to join them in, frankly, opposing the majority of Americans who believed that this veto ought to be overridden.

Again, let me quote from Senator Hatch. "It is unfortunate the President has chosen to be on what to me is clearly the wrong side of the issue."

Senator Roberts -- these are all Republicans, all conservatives -- Senator Roberts from Kansas says, "I am not for excessive spending. I strongly oppose the federalization of health care. If the administration's

concerns with this bill were accurate, I would support the veto, but bluntly put they are not." That is a diplomatic way of saying that the administration either is wrong in terms of mistakes or is misrepresenting what the bill does.

Senator Grassley, the former Chairman of the Finance Committee, now the Ranking Member, says, "This bill breaks the legislative impasse." Now, more people have said, Why aren't you willing to compromise? What Senator Grassley says is that, in fact, we have compromised. We have come to an agreement, supported in this case by 18 Republicans in the United States Senate, 45 Republicans in the House of Representatives.

We have reached a compromise which provides for 4 million additional children, which is of course what the President said he was going to do and he promised to do if he were reelected President of the United States. He was reelected President of the United States. We sent him a bill that does what he said he wanted to do, and he has vetoed it. We are hopeful that we will override that veto.

On Iraq, as I mentioned in the reports, in addition, the Vice President indicated -- either the Deputy Prime Minister or the Vice President, I am not sure which his title is -- was quoted last week, late last week, as saying that the Iraqis were not interested in reconciliation. What they were really talking about was who was going to have the

power, and that reconciliation was an important issue in the United States but not necessarily an important issue in Iraq.

Now, the reason for concern on that is the expressed purpose of the surge and the presence in Iraq is to create an environment in which reconciliation can be achieved and security and stability can be achieved by the Iraqi Government and by the Iraqi people.

But we had the Vice President or the Deputy Prime Minister, I am not sure which his title is, saying that essentially the Iraqis are not focused on reconciliation. Now, that ought to be very clear from what's been happening.

In addition, General Sanchez, as has almost every former general who has served in Iraq -- not every one, but almost every one of them, has now severely criticized the policies being pursued. General Sanchez -- and I am sure you saw his quotes, but I will repeat them for you -- in talking about the policy in Iraq says, "catastrophically flawed, an unrealistically optimistic plan for the war." He went on to say that the administration has not accepted political and economic realities. And his other observation was that there was an incompetent, strategic leadership within our national leaders. Nothing we have said has been any more damning than that on our present course, and which is why we feel so strongly that we need to change course.

There are a number of things that we could be considering over the next month -- and perhaps months into next year -- and we will be doing so.

The last thing I will discuss briefly, because I will turn it over to Mr. Reyes, we passed in August a temporary authorization for the interception of communications which were important to achieve the end of keeping America safe and protecting our country. One of our primary duties and responsibilities and focuses is to protect America from terrorists and those who would harm us and to facilitate our intelligence community's ability to intercept communications, which would allow us to do that better, to anticipate, intercept and to stop terrorist activities.

At the same time, we have sworn an oath to the Constitution of the United States to protect and defend the Constitution. That is an oath that all of us, hopefully, take very seriously.

One of the principal tenets of the Constitution adopted by our Founding Fathers was to ensure that King George could not listen in on them, come into their homes, undermine their liberty, without probable cause and without a check on the exercise of the sovereign's authority. Now, we don't have a sovereign in that sense. The people are sovereign in America.

The people have adopted a Constitution which attempts

to protect them against the abuse of centralized power. Very frankly, throughout my lifetime I have thought that that was a conservative tenet: the fear of big government, the fear of the government undermining the rights of the American people.

The legislation that Mr. Reyes and his committee have passed out and we will be considering tomorrow does exactly that. We believe it meets the DNI's, McConnell's, Admiral McConnell's objectives of ensuring that we can intercept foreign-to-foreign communication and that we can do so in a way that does not impede in any way the timing of doing that.

Lastly, Mr. Reyes will comment on this perhaps in a little more greater length; over the weekend we have heard a lot about the tragedy of three of our American soldiers who were apparently captured. We do not know their present status. We pray for them, but we do not know their present status. At least two of them, we don't know their present status. One, tragically, we know has lost his life.

There are those who are trying to assert that it was FISA that precluded the quickest response possible to investigating and trying to determine who had our people, where they were, and what possibilities there were to rescue them. That is absolutely untrue, period. It is a misrepresentation. In point of fact, FISA of course

provides for 72 hours' emergency action with after-the-fact authorization.

Secondly, the administration's own procedures and own bungling and own administrative processes precluded for at least 6 hours -- and maybe longer -- the response to the military's request on the ground to intercept communications.

Now, let me yield to Mr. Reyes, briefly, for the purpose of perhaps discussing the bill briefly and this particular incident.

Thank you.

Mr. Reyes. Thank you, Steny.

The bill that will be on the floor tomorrow, the RESTORE Act, basically puts the FISA court back in the game, back in the review process. It carefully balances giving the intelligence community the tools that it needs to keep us safe, but at the same time protecting the constitutional rights that we all hold dear.

It does -- let me go over a few of the highlights of the bill -- it takes oversight out of the hands currently from the President himself, as the Protect America Act does, and it puts oversight back in the hands of Congress and the FISA court. It provides the kind of flexibility at the same time that it authorizes electronic surveillance against foreign targets without requiring an individualized warrant,

which is what the DNI told us was one of the essential parts that was necessary.

It exempts foreign-to-foreign communications from any judicial review, even when the communication passes through the United States or the surveillance device is actually located in the United States.

It also strengthens the role of the FISA Court by requiring court approval of targeting procedures, minimization procedures, and the guidelines that will be used to determine when Americans are targeted, and therefore when individualized warrants are actually required or needed. It also ensures that we will never go dark by allowing, in emergencies, the FISA Court review to take place for up to 45 days.

A couple of other points. It puts the FISA Court back in business where our rights of Americans are at stake, but it also balances that with giving the intelligence community the critical tools that it needs to collect foreign intelligence.

It is meaningful, robust and continuous, requiring an auditing specifically of the different areas that we are all concerned about through both the court and congressional oversight.

As all of us here I think know, there was a lot of criticism about the Protect America Act and protecting the

rights under the Constitution. So what we have done is we have tightened the overbroad language in the PAA that could have been interpreted as giving authorization for physical searches of Americans' homes and offices. It also provides protections for Americans abroad, including our soldiers, sailors, airmen and marines. Americans overseas will once again be protected by the very same rules and laws that are the protections for those of us here inside the United States.

Last point. It also provides a sunset. It schedules a sunset at the end of 2009, at which time we need to reevaluate and make whatever changes we need to make to this.

Now, the last thing I want to comment on is the issue that Steny brought up about using the kidnapping of three American soldiers for political purposes.

You know, as a veteran and as somebody that saw combat in Vietnam, and most importantly as a parent, I think there ought to be limitations to the way we use incidents like this for political purposes. You have a timeline of what actually occurred. The way that some of these facts are being misrepresented, I think, should be an outrage to all of us that care about protecting our troops overseas.

I think the overwhelming priority is to make sure that they have the confidence that whenever their lives are at

stake, we are going to do anything and everything to make sure that we, in the case of this kidnapping, leave no stone unturned to get them back.

I want to just cite what Major Webster M. Wright III who was, or is, the Public Affairs Officer for the 10th Mountain Division. What he said is very important, and I think it should resonate with us. Here is his quote: "We were given everything at the tactical level that we asked for, to include extra troops, intelligence assets, aviation, CID investigators, analysts and human intelligence specialists." In fact, he makes the comment that he was unaware of the bureaucratic wrangling that occurred here within the Bush administration as they tried to figure out when and how to give the authorization under the FISA Act.

I will be glad to go into more detail on that, but I think in the interest of time, I will stop right there.

Mr. Hoyer. We spent time on this only because it has been used so much this weekend as a reason for extending the noncheck-and-balance process that was adopted in August, where the only arbiter is the sovereign, the king; in this case, the President. That's not what our Founding Fathers had in mind.

At the same time, it is to point out nothing in the law that existed at that time would have precluded immediate action. James Baker, who was the supervising officer of the

FISA Office, testified to Congress that emergency authorization could be accomplished within minutes -- not hours, minutes -- and that could have been accomplished here but for the fact they couldn't find the Attorney General, they couldn't find three other officials that were authorized to authorize them to go ahead. They didn't have to go to any court. They didn't have to go to anything else. Under this legislation, the 45-day provision that Chairman Reyes pointed out, they could have proceeded for 45 days before getting authorization for any procedures that they were involved in.

We want to protect America, and Democrats have protected America for the last century. We have been the ones who have defeated and led the effort against terrorists. Some were called Hitler; some were called in the First World War by other names; some were called, in North Korea, the North Koreans. But Americans have led the effort.

The Democrats have led the effort historically to confront and defeat those who would enslave the world. We continue to be committed to that end. We believe this legislation affects that objective.

Questions.

Q On FISA and the telecom immunity provision, one of the chief arguments for it -- and the telephone companies

stepped forward after September 11 to provide assistance to the government. Now, last week, the news found documents which Qwest former CEO Nacchio said the government was shopping some ideas to him in late 2000.

One, do you have any response; and, two, do either of you all have any -- this would be the negative -- do you have any proof that the program didn't exist prior to September 11?

Mr. Hoyer. This side, I believe, the answer to your last question is no. And what we have reasonably asked for, if we are going to be check and balance, if we are going to protect the rights of Americans while at the same time promoting the safety of Americans from terrorists or other people who would harm them, we need to have information. We have asked for that information.

There's a story in today's paper from Verizon. Both of these stories together, the QWEST story and the Verizon story, certainly validate our proposition that we don't have the information we need to make the determination we need as to whether or not immunity ought to be considered or given. Until we have that information, it seems to me that issue is going to be unresolved.

Q Mr. Reyes, if I could ask the opposite end of that question, not that you had proof that it didn't exist, but do either of you independently know of these reports,

knowing the administration had sought something along the lines of these programs, the telephone companies before September 11, were you aware of any program existing before September 11?

Mr. Reyes. No, we were not.

Q Are you interested in finding out as Chairman of the Intelligence Committee?

Mr. Reyes. Of course, and we will do so. I should also make the point that this legislation is the result of careful, regular hearings that we have been conducting. So this has not been something that we were under any time crunch to complete. But anything that comes up subsequent to the work that we have done, we definitely are interested and will look into.

Q On the FISA bill --

Mr. Hoyer. You say outside the ambit of the information we have gotten publicly, that's what we have gotten publicly. QWEST, Nacchio, whatever Nacchio is, as you know he has been convicted of a crime, but if in fact his allegations are accurate and that, as a result of them determining that there was not legal justification for them turning over information, that they were then denied contracts by the Federal Government.

Now, I have no way of knowing whether that allegation has any merit or not. So the answer to your question is, I

don't know. But I know that that's been an allegation. I think that has been a serious allegation, serious allegation if the executive department of the Government of the United States would tell a private sector company, if you in effect don't provide us with information inconsistent with the law and the privacy protections that the law has adopted to protect all of us who make telephone calls, receive e-mails, whatever, just as the Founding Fathers didn't want King George coming into their house unless he had probable cause. And the check on that was the court, not the Executive making a determination, but the court.

So the answer to your question is, I don't have the independent information. Verizon today, as I understand it, said the administration went even further and asked that anybody and everybody that is talked to, not just the target or the foreign target, but anybody they talked to would be subject to discovery by the administration, by the NSA or by the administration or the intelligence community.

While that may justified, and there may be probable cause to ask for that, what our Founding Fathers wanted was somebody independently to make that determination. Not the Executive themselves; that is what has led, frankly, to an abuse of power. Frankly, FISA came about, as you well know, because the Nixon administration was targeting its so-called enemies list in the United States.

Q In July, there were a considerable number of Democrats who were very concerned about the charges that Democrats would wreak on terrorism, and that's why we got the 6-month extension.

How have you eased those concerns within the Democratic Caucus, and how does your unity look for tomorrow's vote?

Mr. Hoyer. I hope we are going to be unified. But let me tell you the difference between August and October 17. The difference is we have until February 5 before the present law expires.

We didn't have that time frame last time. We had to act immediately and there was concern that if we didn't have a law on the books, which the administration said it needed for the period of time we weren't here, that we didn't want to be in that position. I say, "we." I didn't vote for it, but a number of people were concerned about that.

Now we have brought this forward early. We have brought it forward early so that we could reach a reasonable compromise to attain both of the critical objectives that we want to accomplish and we hope the administration wants to accomplish: stopping terrorism, intercepting communications which facilitate terrorism, while at the same time protecting constitutional rights.

So the difference between August and now is that we have 3 months in which to come up with legislation which

will, we believe, accomplish both objectives, and hopefully the administration will sign on to that.

I will tell you I have had communications with Republicans -- I won't go through the list -- but that lead me to believe there are Republicans who want to accomplish the same objectives as we do. They want to be careful that we accomplish the first objective, but they are also mindful that the second objective needs to be protected as well.

Q On Iraq, you mentioned that several things could come up on the floor in the coming months. What are some of the things in the pipeline and what is the timeline on this?

Mr. Hoyer. Well, we will do Defense appropriations. We are not sure exactly what we will do on that. Mr. Skelton -- another Skelton authorization regarding timelines is possible; the Tauscher bill being revisited, which is the dwell time, time deployed, time home.

We think the readiness of our Armed Forces has been substantially undermined under this administration. We are very concerned about that. Mr. Skelton in particular believes that we have a very, very serious problems.

We have no, presently, rated-for-full-deployment units in the United States if there should be a crisis somewhere else in the world, and that's what the Tauscher bill deals with.

There are other pieces of legislation, benchmarks,

Obey, things that we have visited before. Certainly this resolution on corruption is a first step, but we need additional information. I want to find out what -- as you recall, one of the witnesses -- you may recall one of the witnesses claimed that saying negative things about corruption in Iraq is classified. Saying positive things about the government in Iraq was not classified. That's covered.

Again, we are in a position, again, where the facts are not being made fully available to us. Those are a number of things, clearly, we are going to have to address. The funding issue, that will come up.

Q Mr. Hoyer, Armenia genocide, are you still intending to bring that up this month, this November?

Mr. Hoyer. I said I thought we would bring this up prior to us leaving here. I have not changed on that, although I would be less than candid to say that there are a number of people who are revisiting their own positions. We will have to determine where everybody is.

Q There are allegations now that the Armenian resolution is also being used as a way to pressure the administration on Iraq, to sour relations on Turkey. That that could hamper the war.

Mr. Hoyer. Zero truth in that, zero, zero. I have been a sponsor of this resolution for over a quarter of a

century. This is not something that either Nancy Pelosi or Steny Hoyer, or almost all the sponsors of the resolution, come to in the context of Iraq. That does not mean that Iraq is not a relevant factor today, you understand. Understand what I am saying. But any allegation that it comes up to put pressure on the administration is absolutely totally without any basis in fact or truth.

Otherwise, I don't really have a comment on that.

Q Mr. Hoyer, on SCHIP, some Democratic leaders have said there's no more room for compromise. But if you don't get an override and you don't get a compromise, then potentially more children will be falling off the rolls.

Mr. Hoyer. Yes.

Q Is that a tenable position?

Mr. Hoyer. No. I don't know who has been saying there's no more room for compromise.

Q Harry Reid, for one.

Q The majority leader.

Mr. Hoyer. I was thinking more of House Members here. The Speaker and I have both said, Mr. Rangel, Mr. Dingell, Mr. Pallone and others who have been intimately involved with the support of this bill, have asserted that we want to add 4 million children to the program. We would like to add more.

This is a compromise, as I told you. The Senators

observed that it is a compromise. One of the reasons they observed it is a compromise is because they were in the room, and they knew how strongly Rangel and Dingell felt about our bill.

But legislation is possible. We are going to do everything we can, and we have been doing everything we can to try to enact this bill which will add the 4 million children. If we take the President's proposal, 840,000 children will be dropped from this program.

Q But what would you compromise?

Mr. Hoyer. We are not going to compromise, at the President's suggestion that we cut children from this program. You indicated that if we have a CR or have an extension of the present program, that children drop off. We agree with that. The President's proposal cuts off almost 1 million children.

The answer to the question, though, is we certainly are going to do whatever we can to provide for these 4 million children being added. There have been some concerns which have been raised which we think are incorrect.

Let me give you one example; 90 percent of the children receiving CHIP insurance are families under $42,000. You wouldn't know that from the rhetoric of the President. He talks about this $83,000. You understand there's no family in America getting CHIP at $83,000. None. Zero.

Why? New York requested it. That's where we got the $83,000 figure, and the administration under the present legislation denied that waiver. This bill does not provide for 400 percent. The administration has not provided that, so it is a specious figure. So we believe that, you know, we may be able to say we are not going to do the specious things you allege we have done, which we haven't, so there is room.

Q CAFE negotiations. Will it just be the Speaker and Mr. Reid?

Mr. Hoyer. No, the Speaker has specifically indicated that the relevant committee chairs will be at the table dealing with the issues of their jurisdiction.

Thank you.

Q The time left in the year, are we going to be seeing any AMT effort?

Mr. Hoyer. We are going to deal with AMT. How broad it will be, I don't want to predict. I am for, as I have told you before, a comprehensive reform of the AMT.

Q Will there be time to do it in the intervening weeks?

Mr. Hoyer. It will be tough.

Q Is it possible that the tax will expire?

Mr. Hoyer. I don't think so.

[Whereupon, at 12:10 p.m., the press conference was

concluded.]