PRESS CONFERENCE WITH MAJORITY LEADER,

STENY H. HOYER

***

Tuesday, October 23,2007

11:37 a.m.

Mr. Hoyer. Good morning. So good to be with all of you. I apologize for being late. Let me see what I have here. Somewhere I have in all these papers what we are talking about, something that I am going to say to you.

Q Hope it is good.

Mr. Hoyer. Same old thing. We met at 9:00 today, and we are in legislative business. We have got two bills on the floor today, as you know: Radicalization and Homegrown Terrorism Prevention Act. That is by Ms. Harman. And then we are going to consider the Virginia Ridge and Valley Act later under a rule.

On Wednesday we meet at 10:00, Omnibus Parks and Public Lands bill, and currently scheduled Employment Nondiscrimination Act, and then H.R. 505 Native Hawaiian Government Reorganization Act.

Thursday we will meet at 10:00, consider H.R. 3867, the Small Business Contracting Act.

There will be no votes on Friday.

In addition, I want you to know, so you are not surprised when and if they move, that we are working on both FISA and SCHIP as possibilities to be coming back to the floor again in one form or the other.

Q This week?

Mr. Hoyer. This week.

Q This week?

Mr. Hoyer. One or the other, not both.

Q This week?

Mr. Hoyer. That is a possibility. Yes. This week.

Q Wednesday or Thursday? I am just incredulous. I thought it would be another 2 weeks, or 3 weeks even, especially for SCHIP. And how is it -- what is different now?

Mr. Hoyer. I am sorry to disappoint your expectations. We indicated, the Speaker and I indicated that we want to move the children's health bill as quickly as possible. We are working on talking to, as you know, to -- I have talked to some Members of the leadership, I have talked to other Members on both sides of the aisle. And so I just wanted to let you know that we are working on those and they are possibilities.

Q Will it be a different bill? Will it be somewhat modified?

Mr. Hoyer. I am sure we will try to meet some of the concerns that were raised, yes.

Q It will still cover 10 million?

Mr. Hoyer. Ten million children is our litmus test of whether this is a bill that we can support, yes.

Let me go back to what I was going to say, and then we can go back to that perhaps in questions. Again, I want to

reiterate that we believe this has been a very successful Congress to date. It has been extraordinarily successful, we believe, House performance in terms of legislation we passed. The 9/11 Commission recommendations is law. The minimum wage, law. Largest college expansion aid in 60 years is law. Innovation agenda, help create quality jobs, teachers, 10 million students, math and science focus, law. Lobbying and ethics reform, law. The rules changes on ethics, law. PAYGO in place and not deviated from in the 10 months that we have been in Congress.

So that we believe all of that -- we still have CHIP, we have energy, we have investment in America's future in education and health care, Cops on the Beat, veterans care, and our appropriations bills. We are still moving on those. We hope to enact all of that by the time we leave this year.

And we have been continuing and will continue to challenge President Bush's policy -- which we believe is a failed policy -- in Iraq, and seek to change direction in Iraq. I think it is an impressive list.

We think the Republicans are demoralized and not united in their position. I think the CHIP bill showed that. There was significant division within the party. And it is more about disagreeing with the American public than disagreeing with Democrats. Demonstrably, all that we have done is overwhelmingly supported by the American public.

And to the extent that we have not been able to get there, whether it is on Iraq or others, it is because the Republicans have not sided with the majority of the American public. Forget about whether they sided with us or agreed with us.

On the CHIP legislation, we have said that 10 million children is going to be our objective, and that is our litmus test for legislation that we will move forward. As I have explained to you, we will try to address some of the concerns that were raised, but in no way will that impact on the inclusion of 10 million children under the health insurance program. Eighty-one percent of the American public in a bipartisan vote, 69 percent of independents -- or 72 percent of independents, 61 percent of Republicans, majorities of every group, American Medical Association, AARP, private insurance groups, across the board, hundreds of organizations support the CHIP program because they know the health of our children is critical if we are going to have a successful country.

Secondly, on the FISA bill. A lot of reporting on the FISA bill. The FISA bill was pulled for the same reason -- or let me put it this way: We didn't get back to it after we recessed for the Dalai Lama; we took up the railroad security bill -- for the same reason that we pulled the D.C. bill earlier in the year, and that is because a motion to

recommit, which effectively was covered in the bill but which made a very difficult vote for people, was a political maneuver.

Now, I will say that America ought to be very angry at the fact that the Republicans are offering legislation to prohibit the interception -- or to facilitate the interception of communications by Osama bin Laden 6 years after he attacked our country. The American public must be asking themselves, Why is Osama bin Laden at large? Why is Osama bin Laden, 6 years later, still able to communicate with anybody? Why has the administration failed to get the number one terrorist objective into custody and dealt with? I don't think they have an answer to that.

In any event, the FISA bill was also reported as having been a done deal in the Senate. It is not a done deal in the Senate. The fact is there is substantial disagreement in the Senate, as you have read and know and heard, and perhaps talked to people in the Senate -- Senator Leahy and Senator Specter in particular, and Senator Reid as well.

We believe that the FISA bill that has been reported out of the Judiciary and Intelligence Committee is a very solid bill, which accomplishes two objectives we think are critical for our Nation:

A, facilitating the Intelligence Community's interception of communications, which will help us fight

terrorists and intercept any actions they may take. The American public expects that of us, and that is our number one commitment, which is why we adopted, of course, the 9/11 Commission recommendations first. First substantive action in this Congress after we adopted the rules package.

Secondly, we also believe that the bill protects Americans' constitutional rights. We believe that Americans want to accomplish both those objectives. We believe this bill does that, and we intend to move this bill forward. We are talking about scheduling of that, but we certainly intend to move this forward. So the "gotcha" nature of the motion to recommit was the only thing that made us decide to go back to the drawing board to see how that might be dealt with.

Lastly, let me comment. This is the Perino quote behind me. This administration has dealt over the last 6 years with a complicit and complacent Congress, a Congress that was not prepared to send it a bill that it didn't like. As a result, it never vetoed a bill, because the Congress would not send it legislation -- the administration -- that it did not like. In pursuance of that philosophy, that they can bludgeon the Congress into submission, a coequal branch of government which, under article 1, is the policymaking branch of government, they have now decided to allow certain parts of the Congress to see information that the Congress

has a right to see in its policymaking responsibilities, exercising its policymaking responsibilities if the Congress will do so under the strictures that the administration imposes on the Congress.

Perino said this: The reason those documentations were made available to the Senate Intelligence Committee was the Senate Intelligence Committee, quote: Showed a willingness to want to include in their legislation retroactive liability protection for companies that were alleged to have helped the United States in the days after 9/11."

She went on to say, because they were willing to do that, do what the White House wanted, we were willing to show them some of the documents that they asked to see.

This is not a dictatorship. This is a democracy that has a Congress of the United States, elected by the people, to represent it, to review the actions of the executive department, to ensure that the executive department does not abuse its powers.

And in pursuance of that responsibility and duty, the Congress has asked for documentation on a program, as I told you in previous press conferences, that the administration wants us to excuse the action for, to indemnify, to give excuses for, immunity from action in democracy for what possibly was wrongdoing. We don't know that.

She went on to say because they were willing to do

that, we are willing to show them some of the documents they asked to see. And as to whether other lawmakers, equally entitled to see documentation, she said this, quote: I think that we will wait to see, wait and see to see who else is willing to include that provision in the bill.

This administration has showed as little respect for the Congress of the United States as any administration perhaps with which I have served over the 26 years I have been in Congress. It is unacceptable. It is unacceptable to the American people. It is inconsistent with the Constitution. Questions?

Q Did the Senate committee -- should the Senate committee play along with that and, you know, receive information that other Members of Congress should not receive?

Mr. Hoyer. Should what? I am sorry.

Q Should the Senate committee go along with that and --

Mr. Hoyer. Well, the Senate committee didn't say this.

Q I know, but they have got the documents. Should they --

Mr. Hoyer. No, they don't have the documents. They were allowed to go down to the White House to review the documents, not take them with them, not make copies of them, and I think not make notes of them. But I am not sure of

that latter assertion.

Q Should they even do that, though? Should they say "no," until the entire Congress has access?

Mr. Hoyer. I think they went down there before this comment was made, so I don't think they -- this is not an allegation about what Senator Rockefeller or his staff or the committee did. This is an assertion, apparently they will show it to some if you play ball with us. In other words, they were either bribing, bludgeoning, or both.

Q So, Mr. Hoyer, would you recommend having the House hold back on FISA to see if the Senate Judiciary and the Senate Intelligence Committee comes with a report?

Mr. Hoyer. No. I think we have a good bill which accomplishes the two objectives that I set forth. Facilitating the Intelligence Community's opportunities to intercept foreign-to-foreign communications without a warrant, notwithstanding the technological fact that they come through a U.S. switch, this bill does that. The blanket warrant allows them to go after al Qaeda, other terrorist groups for a year. Not only that, it gives them a 45-day lead time that they can be doing it so they can act quickly and then get approval.

Was that an editorial comment on this compelling press conference? I am teasing, my friend. And I think that -- I lost my train of thought, though.

Q You think -- you would like to see a vote in the House?

Mr. Hoyer. Yes. I want to see the bill go forward. What I was saying, it facilitates the interception of communications, which I think is important, while at the same time, secondly, very important to protecting the constitutional rights. I have always said and most people have said, including Senator Reid, that we cannot make the determination on immunity until we know what we are being asked to give immunity to. To do otherwise would be, I think, irresponsible and inappropriate.

Q You listed pay-as-you-go as one of your successes.

Mr. Hoyer. I did.

Q You have used it to stick to the letter of the law what you would have called gimmicks had the Republicans used them. You have an interest rate which expires after 5 years, Pell Grant funding which almost zeroes out in 1 year and comes back the next. These are things you would have criticized had Republicans done them. And Republicans are criticizing you today. Can you respond to those criticisms?

Mr. Hoyer. Sure. Would I would criticize them as --

Q -- as part of your success.

Mr. Hoyer. When you say we adhered to the letter of PAYGO, we have. That means we haven't added to the deficit,

as opposed to adding -- going from $5.6 trillion of deficit or thereabouts, to now over $9 trillion in deficit, national debt, in the last 4 years; almost $4 trillion additional debt that we have incurred as a Nation; $1.4 trillion of deficit spending over that time frame.

You know, I understand what -- we would have said what they are saying, but what you said is accurate: We have stuck with PAYGO. Now, what does that mean? That means the gimmick that you referred to, if we stick with PAYGO, when we get to that 5 years we are going to have to either fix it or the program will be reduced. We understand that. But that does not mean that in any way we have not complied with our PAYGO provision. We have.

Q Mr. Hoyer, was the apology by Mr. Stark -- was there any pressure put on him from leadership to do so? And was there concern internally that this could distract from, as you mentioned, accomplishments or efforts to try to move FISA or SCHIP?

Mr. Hoyer. I thought Mr. Stark's apology was appropriate. I talked with him over the weekend, and I thought that would be appropriate. I thought he did it well. I don't think he sugar-coated it. And I think he made it very clear what his position was, and I thought he did it well.

Q Was there concern it was a distraction, though, from

the other legislative things here, specifically SCHIP or FISA?

Mr. Hoyer. I think there was a concern that what he said was inappropriate and he ought to make -- ought to recognize that.

Q Sir, quick question on the Peru FTA and TAAs.

Mr. Hoyer. Yes.

Q Which one do you see coming to the House?

Mr. Hoyer. TAA will hopefully come next week, and Peru will come the week after. That is the week of the 29th and the 5th.

Q Will the Democrats consider not giving the President any more money to continue the war? What is going on with the supplemental? He has asked for an additional 40 billion.

Mr. Hoyer. Mr. Obey believes that he doesn't need the supplemental now. And, of course, we are arguing about whether or not to invest further moneys in education, health care, Cops on the Beat, border security, port security, environmental protection, to the tune of $21 billion, with an additional $2 billion on a gimmick of forward funding. So 21 or 23, depending upon -- 22 of it is in the next fiscal year. The President has asked for $196.4 billion of supplemental funding this year for Iraq and Afghanistan, unpaid for emergency funding, while he argues as to whether

or not we ought to increase Pell Grants, whether we ought to invest an additional billion dollars in cancer research, diabetes research, heart/lung research for our citizens, whether or not -- he argues about whether we ought to have sufficient funds for our firefighters to respond to terrorist acts, police to keep our communities safe.

We think that, as the Speaker says, you know, for 30 days in Iraq, or in 2 months in Iraq, we have paid for all of the domestic increases.

Now, let me talk about increases because I want you to understand what this debate is about. The President asked for a 16 percent decrease in -- 16 billion, excuse me, not percent -- $16 billion decrease from baseline on domestic spending. We have increased that to $5 billion over baseline. So in other words, we have increased by $5 billion for priority items over what was spent last year in real dollars. That is what we are talking about. So we are hopeful that we can complete this process. We are hopeful the President will agree with us.

Q What would the Democrats do about the war supplemental? You complained about the $200 billion --

Mr. Hoyer. As I said, Mr. Obey believes that right now they have sufficient funds to proceed. We hope to pass the defense appropriations bill. And we will have discussions as to how much money that gives them, what the time frame

is, how much into next year they can go without needing dollars for the supplemental. We want to see the policy in Iraq changed. We want to see the direction changed. We want to see redeployment. We want to see timelines for extricating our troops from harm's way and being in the middle of a civil war.

Every day I read in the papers about the Iraqis want us out. The government is now talking about getting us out. They want to limit what we do, which means limit how we protect our own people. We want to change the policy, and we are going to continue to work on that. And that is one way to do it.

Q On the supplemental, what is the priority that the Democrats give to the counternarcotics package included in the supplemental?

Mr. Hoyer. I am sorry, I missed that.

Q Yes. What is the priority --

Mr. Hoyer. The supplemental?

Q Yes. What is the priority that the Democrats give to the counternarcotics package?

Mr. Hoyer. Well, it is a small portion, as you know, of the supplemental. And it has just been sent up. And there are a number of things in there, in addition to Mexico, the United Nations, Darfur, other expenditures on peacekeeping, peacekeeping to the United Nations. And I

think they will not be necessarily the controversial items in the supplemental.

Q Mr. Leader, what confidence do you have -- if there is no agreement reached on FISA by February, and the current law expires and the President asks for or pushes for an extension, again warning that there is new threats, what confidence do you have that your fellow Democrats won't again cave in and give them the legislation?

Mr. Hoyer. Well, there are all sorts of options, but I am glad you asked that question, because one of the reasons I and the leadership want to move this forward is so we don't get caught in that time crunch. We want to address this, we want to move forward on our legislation. And then we are prepared to have discussions with the administration.

Don't take what I said as an unwillingness to discuss with the administration the facts on which they want to rely for asking for immunity for the phone companies, telecom companies. But they haven't talked to us. That is why Perino's is so outrageous; you can't see the stuff until you tell us you are going to do what you are going to do. But that is why I want to pass it early.

You know, you get to February 5th, maybe you go to March 5th. Then you go to April 5th. In other words, there are other options available to us that don't necessarily dictate a long-term extension or even a short-term

extension. The FISA law is in place. Frankly, some of the items mentioned here, this one that is mentioned about the tragedy of our three soldiers being taken into custody, you know, Baker said, who was in charge of -- this had to be done in minutes, the approval. Now, it took them a long time to get the approval because they couldn't find the Attorney General, who was in Texas, and they couldn't find the other three. There were four people authorized to say, yeah, go. You know, so we believe, in part, bureaucratic snafus. But in addition to that, for 72 hours they can move on an emergency basis and get, if they needed approval, approval after the fact.

Q Mr. Hoyer, how will you get out of this motion to recommit, trap, on the FISA business?

Mr. Hoyer. Excuse me?

Q The motion to recommit --

Mr. Hoyer. Right.

Q -- how do you avoid the trap this time on the FISA bill?

Mr. Hoyer. There are a number of ways to do it. We are thinking of them all.

Q Is there any permanent fix?

Mr. Hoyer. I am not going to be more specific than that because while I don't mind telling you, I do mind telling others. And I can't figure out how to do one

without the other.

Q So since both these bills seem to be troubled, have a lot of trouble --

Mr. Hoyer. Which both bills?

Q SCHIP and FISA. Which one do you --

Mr. Hoyer. SCHIP got 273 votes. So the only trouble it has is getting 12 or 13 more Republicans to vote consistent with what the overwhelming majority of the American public want to do.

Q Well, my question --

Mr. Hoyer. It doesn't have a substantive problem, in my opinion.

Q Which do you think is more likely to come up this week?

Mr. Hoyer. I don't know that answer to your question.

Q You don't?

Mr. Hoyer. No, because we are going to move them both. It is just whether -- one this week, one next week.

Q Can you tell us what kind of changes you are exploring? You mentioned the 10 million children as your litmus test on SCHIP.

Mr. Hoyer. Yes.

Q You didn't mention the $35 million price tag.

Mr. Hoyer. You can't do the 10 million without that.

Q What is negotiable then? Is it eligibility rules,

is it income levels? What are you negotiating?

Mr. Hoyer. I said we were going to meet concerns. That implied to you negotiation.

Staff. Last question. Last question.

Q Can you be more specific than that?

Mr. Hoyer. I think that was pretty specific. I am talking to people, and I don't feel I am in a negotiation. I am going to meet with, as has been announced by others at the request of Republicans, some Republicans have asked to meet with me. I said I would be glad to meet with them. I am going to sit down with them.

Some of the concerns I have seen them reference in the papers, I think can be addressed. That was my implication and that is what I mean. That is as specific --

Q Can you talk about the concerns that you are willing to discuss?

Mr. Hoyer. The ones that have been mentioned.

Q Which Republicans? Which Republicans want to meet?

Mr. Hoyer. The President mentioned some. And there were some mentioned on the floor of the House. And the President continued to mention a concern about $83,000 being the upper limit for eligibility. We never thought that was the eligibility, because that was New York's request that the administration rejected.

They then turned around and used that as a reality.

That was a somewhat Alice-in-Wonderland approach to it, but we are willing to address that, because that was not our intent.

Staff. Thank you. Thank you.

Q -- said basically the same thing, that you all are willing to clarify in the bill things the bill wouldn't have done officially. And it sounds like you are saying basically the same thing, I heard, if you can either verbally or by changing the bill address concerns that do not actually change the substance --

Mr. Hoyer. If you have seen, as I am sure all of you have, some of the comments that have been made by Members of the other side about their concerns, what I am saying is we are prepared to try to address some of those concerns. We don't think they were concerns that were legitimate. And we are prepared to address them to ensure the fact that everybody understands what the bill means.

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