

PRESS CONFERENCE WITH MAJORITY LEADER,

STENY H. HOYER

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Tuesday, March 2, 2010

11:30 a.m.

Mr. Hoyer. Good morning. It is still morning.

All right. Today is Tuesday, breaking news. We're going until 12:00. Several bills under suspension on Wednesday.

We will recess to accommodate a memorial service for Representative Murtha from 11:00 to 12:00, and we will consider several bills which will include H.R. 4247, Keeping All Students Safe Act, which deals with students with special needs. We also expect to take -- hope to take further actions on job legislation. There are no votes on Friday.

Q Pardon me. What day was that for jobs legislation? I'm sorry.

Mr. Hoyer. It will be probably Thursday, if we can get agreement on --

Q Thank you.

Mr. Hoyer. It could be as early as tomorrow. The Ways and Means Committee is in the process of working on that bill right now.

Last week the Senate passed jobs legislation and we're discussing -- I discussed with Senator Reid last night and Speaker Pelosi this morning. And, as I just said, the Ways and Means Committee is working on that bill, and we're hopeful that it will pass.

Unfortunately we see the specter currently, however, of the Senate's rules not allowing legislation which an overwhelming

majority of the Senate support, which was passed by the House by unanimous consent, without any objection from Republicans or Democrats. Dave, you and I talked about it Friday night.

We have one United States Senator who has decided that he's going to block 100,000 workers' unemployment benefits immediately; 400,000 workers will lose benefits within 1 to 2 weeks. And increases to 1.5 million for the month of March if we couldn't get this done, and 3 million within 2 months. So that one Senator is impacting the lives of hundreds of thousands, indeed, prospectively, millions. Nearly 2,000 Department of Transportation employees were furloughed on Monday, Dave, as you and I have discussed, because of the shutdown of the Highway Trust Fund. Again, the House has passed an extension of the Highway Trust Fund a number of times.

Susan Collins today, in the public, rose on the Floor of the Senate said this: "On my own behalf and on behalf of numerous members of the Republican Caucus who have expressed concerns to me, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691. Madam President, if we don't act, physicians all across the country are going to have a 21 percent cut in Medicare reimbursements." That's the SGR which is included in the bill we passed over to them. And she concluded, "Madam President, I hope we can act together for the American people. And again I want to emphasize that this issue is so important to Senators on both sides of the aisle."

Very frankly, the processes of the United States Senate where they have 1 out of 100 stopping action shows why it necessary to go back to the concept, tried and true, of having majorities in either House -- have the ability to act. It is something here --

Q Filibustering.

Q It is Senator Bunning.

Mr. Hoyer. Am I going to self-destruct pretty soon?

Q But your sandwich is done.

Mr. Hoyer. However, I have helpful advice that my sandwich is now warm. "Done" was the specific quote.

Going back to this issue that we find that the Senate is unable to do something that we in the House did in a matter of moments because there was a unanimous agreement in the House to do it. And there is overwhelming agreement to do it in the Senate. Yet there are some who say, well, we need to follow the rules. And, very frankly, we agree. And there are rules, for instance in the health care bill, to have a majority of the Senate act on it. That's essentially Susan Collins saying, Look, the majority of us want this to go, but it is not moving.

Yesterday Vice President Biden and Secretary LaHood announced that 100 percent of Highway Recovery Act funds have been allocated to projects. Allocated to projects. The failure to move ahead on the highway bill, and seeing these layoffs is exactly the opposite effect that we want to have with the Recovery Act. It is counterproductive. So I am hopeful that they will be able to move

on that extension. And then I'm hopeful that we will be able to move on a jobs bill and then reach an agreement with the Senate thereafter on making sure that we move ahead working on the agenda item that is number one, and that is jobs.

On health care, I thought the Thursday meeting was (a) historic and (b), a wonderful civics lesson for us all. I hope that millions of Americans had the opportunity to watch 7 hours of extraordinary proceedings in which they watched Members of both parties, the leadership of both parties from both the House and the Senate in serious discussions with the President of the United States. And it was discussed civilly and substantively.

And clearly, for the most part, Americans could draw the conclusion that Members on both sides of the aisle and on both sides of the issue understood the subject, and it was clear that the President understood the subject. I think that was a good message for the American people, because I think what they have really been upset with is the contentious nature of this debate that appeared to create controversy where, in my opinion, controversy should not exist.

The other thing I think they saw was that there was very substantial agreement, and numerous individuals said that on our side of the aisle. Senator Baucus certainly said that, but others said it as well. Clearly there is a consensus that you need to provide for a broad, transparent marketplace. Some refer to it as pooling. Some Republicans refer to pooling, small business in

particular, pooling and getting together. That, of course, is what the exchange is all about. The transparency of competition and free market, which is what the Republicans believe and I believe are very important to bring down prices and give consumers the best knowledge that they can have.

One of the areas that we also agreed on was lifetime caps and annual caps on out-of-pocket expenditures for individuals so they don't declare bankruptcy. One of the things that apparently rhetorically we agree on, but not legislatively, because if it was, we believe that insurance companies ought not to have free rein to preclude people from getting insurance because of preexisting conditions. We think the American public overwhelmingly believe that is a good premise. So there were very significant areas of agreement, and hopefully we can move ahead.

Starting over is a euphemism for not doing, very frankly. And the differences between us on that score were substantial. We believe the American people want us to go forward, they want us to accomplish this objective, and they support the individual items within our legislation. One of the things that we certainly agreed upon that Senator Coburn talked about was preventing waste, fraud and abuse. What I pointed out, as you will recall, in response was that we have very significant investments, who are vigorously going after waste, fraud and abuse in the systems. Those investments were made in the Senate bill and in the House bill.

In addition to that, there is a provision in our bill that delayed the exchange. There was a lot of talk about competition across State lines. The exchanges essentially do that. And they give a broader impact, so the prices can come down. And because we include so many more people in insurance, the volume of coverage will bring down the prices for individuals. We believe those are all positive steps forward.

John McCain, I quoted John McCain who was at the meeting, as you know, said this and I will repeat it, quote, "We should have available an affordable health care to every American citizen, to every family member." President Obama essentially said the same thing in that debate. So there was a consensus on the objective. They were talking about ways and means. We believe the ways and means chosen in both the Senate and House bills, although they are different in some respect, accomplish the objectives and employ ways and means that we think essentially in many instances Republicans have historically agreed to. And that doesn't necessarily mean they'll support things, of course.

As you know, we passed legislation, or the Senate tried to pass legislation to create a statutory commission on debt. Seven Republicans who had cosponsored that legislation voted against it, notwithstanding their sponsorship in support of it previously. We think that's -- you'll have to ask them why they did that, but in any event we think that was not -- not useful. Again, many Republicans have put forth ideas that are incorporated in the

health reform bills of the Senate and the House, and we would hope that they would decide that there is opportunity to improve the legislation, not scrap it after so much work has been done on it. So many hearings, so much exposure, so many town meetings, so many discussions among Members, among the legislative and executive and among the American people.

Q Mr. Leader?

Mr. Hoyer. You were the one I -- didn't I ignore you last week?

Q Yes, sir.

Mr. Hoyer. You get the first one.

Q Great. I'm gratified that you remembered.

What do you --

Mr. Hoyer. Well, we'll see in your story how gratified you are.

Q His question will be the same as that one yesterday.

Q What do you think House Democrats need to hear from the President tomorrow on health care? House Democrats, I means ones who are wavering or you need in order to pass the Senate bill as you go forward with the process. What do you think the caucus needs to hear from the President to make this a procedural possibility here?

Mr. Hoyer. Well, I think what the Members want to know is -- and I don't know exactly what the President's proposal is going to be tomorrow, but I think what the Members -- when you say "need to

know," they need to hear and have a confidence level that what, in fact, is the ultimate result of the negotiations, of passage of either the Senate or House bill, or a combination of the Senate and House bill, or some other mechanism that would impact on either the Senate or House bill present provisions -- they need to hear things that will give them a level of confidence and that these are things that will work, that will provide their people with health care coverage, and that their people will think is a step forward and a positive step, I think that's what they need to hear.

Q Mr. Leader, thank you. Mr. Leader, you mentioned the impasse with Mr. Bunning over in the Senate. Do you -- can you tell us what the plan is now with both sides of the Capitol? I mean, you're meeting behind the scenes, you're trying to importune with Bunning. What can be do to move this thing forward?

Mr. Hoyer. Well as you know, in the jobs bill that we have over here, highways is included, SGR is not. And there are other satellite -- excuse me, I'm getting over a cold. My throat has not gotten that information yet that we're over it.

So we have an opportunity -- thank you -- we have some mechanisms here. But I'm certainly hopeful that the Senate would at some point in the very near future come to grips with the fact that, contrary to their normal practice, that one person -- and we have no reason to believe it is more than one person -- is holding up the entire United States Senate from acting on that which, as

Susan Collins pointed out, that Members on both sides of the aisle agree on.

Q You can't, you wouldn't -- I know you wouldn't deem as a constitutional student, want to change the Senate in any way, but do you think it might be time for your colleagues over there to start thinking about ways to modify their rules to prevent these things?

Mr. Hoyer. I don't know why you would think it is a constitutional -- I'm not a scholar, but I have some knowledge of the Constitution, obviously, as all of you do. I think the Senate has got to come to a place where the Senate has the ability to function. Particularly, again, this is a perfect example where Susan Collins says correctly that Members on both sides of the aisle realize this is something that ought to be passed, this is a 30-day extension to give us time to effect a longer term resolution to this issue, i.e., the jobs bill, that was sent to us not too long ago by the Senate.

I think the Senate, on both sides of the aisle, really need to do some very careful thinking. Tom Udall, Senator Udall, for instance, has referenced this as well on how they can provide for the Senate to be a body that can act when the majority of that body believes acting is appropriate.

Q Leader Hoyer, speaking of one or a few individuals, the House bill as originally passed contained the Stupak compromise; the Senate bill didn't, and the President's proposal last week

didn't. Can the House pass health care reform without the Stupak language in it? He has said that he's got numerous votes.

Mr. Hoyer. The Senate bill and the House bill both included language which would assure that no public funds were spent, contrary to the Hyde language; that is, abortion or procedures, abortion procedures. The Senate bill provides for that, and so the House bill provided for that. And I think we'll see whether we can work to a solution, a resolution, which will effect that in. It is not the intention of this bill to, as the Speaker has said and many others have said, to change the policy that has been in place for three decades.

Q How do you envision an end game for health care and can you see the House passing the Senate bill before the Senate acts on reconciliation?

Mr. Hoyer. Clearly the Senate and House bill is different. There are reservations about the Senate bill in the House, and obviously some reservations about the House bill in the Senate. That's not unusual. Normally we resolve those through conferences. I understand the Senator is not interested in -- I think Senator Reid may be interested in going to conference, but whether he gets votes to go to conference is a different issue. We have gone to conference. So we have been trying to see if we can resolve these differences.

We have talked to the President and we've talked to others. The President, I think, is going to come down with something

tomorrow. He's come down with something last week which tried to reflect to some degree a resolution of the differences between the two. Now, how do you effect that, which is what you're asking?

Q Yeah. And can the House act on the Senate bill?

Mr. Hoyer. Right. Can the Senate bill be enacted prior to those changes being effected? I think it's difficult to do so. And then Congress wants some assurance that those items that they have problems with are in fact modified before they vote for the Senate bill. I don't know that's impossible, but it is difficult.

Q Mr. Leader is there a lack of trust with the Senate?

Mr. Hoyer. Well, I think there is an experience.

Q Looks like Senators Dodd and Corker are getting close to a deal on reg reform. By media reports, that deal would not include a stand-alone CFPA. How crucial is that to you and to your House Caucus?

Mr. Hoyer. Well, the House -- I think I said something about this last week, as I recall. The CFPA is something that the President requested, the House supported. We believe that in the process of reforming the regulatory reform regime system in our country that we need to make sure that there is a focus, not only on how financial institutions operate consistent with the rules for their operation, but also consistent with the rules of consumers. And that was the purpose of the CFPA.

What I said last week, and which I still believe, is that if we can effect a heightening of the focus on the protection of

consumers in another way, then I think that we need to consider that. And so that I don't want to -- we'll have to see what the Senate does to effect that end, even if they don't use the means that we use.

Q Mr. Leader, back to health care for a moment --

Mr. Hoyer. Let me say before you go racing back to health care, I believe and we believe, I think the American people believe, that regulatory reform is very important for us to get done. We got into this deep recession because the financial community incurred risks and allowed others to incur risks that were unjustified, and obviously they led to a financial meltdown.

Again I repeat, I think fiscal irresponsibility and regulatory neglect were the two hallmarks of the last 8 years which have led us to where we are today. So passage of regulatory reform I think is a very critical issue for us.

Q Back on health, we all want to see what the President puts out in the next day or two here, but are you talking to Members who voted "no" on the last bill your leadership team -- people like Mr. Kratovil of your State, the folks who were retiring, the Bairds and Tanners, and trying to take --

Mr. Hoyer. Mr. Kratovil is not retiring; he'll be back.

Q Right, but those who are -- those who voted "no." But those two sort of classes of people, those who voted "no" who have tough races, and folks who are retiring, and who it has been said to me they think there is some leeway with these folks?

Mr. Hoyer. Right. We're talking everybody. We've had, as you well know, because you've been outside the doors talking to everybody as soon as they left and finding out everything that is going on, which is fine. We have had numerous caucus about this, very extensive discussions about it. So it is not just folks who voted "no" or voted "yes," we're talking to everybody. The object, obviously, is to get 218-plus and 50-plus in the Senate. If we can get 70 in the Senate and 250 in the House, hooray. But the object is to get a bill in a position where the Majority feels it is in the best interests of the country and of the people they represent. So we're talking to everybody.

Do I think there is a possibility of some people changing? Yes, I do. I think that's because it will be a different bill than either the House or the Senate bill. Hopefully, it takes the strength of both. And I think that if that happens, then, as is normal in the case when bills change, Members look at it somewhat differently.

Q On the process, can you -- you said on, I guess it was CBS this weekend, that the House has to go first. It is true that the House would have to go first, pass the Senate bill --

Mr. Hoyer. Constitutionally, the House has to initiate bills. As you know, it is all about budget spending in terms of the so-called process of reconciliation which is provided for in the Senate and House rules. So to that extent, the Senate would have to initiate -- the House would have to initiate

reconciliation legislation.

Q But it would all begin with passage of the Senate bill which would then be signed into law, and then a package of fixes that would go first to the House and then to the Senate?

Mr. Hoyer. That is one way it could happen.

Q Is there another way?

Mr. Hoyer. Sure. We could pass a reconciliation first, have the reconciliation passed by the Senate, and then pass the Senate bill.

Q So you don't -- you can reconcile legislation, you don't have to reconcile law?

Mr. Hoyer. It is more complicated.

Q How can you reconcile a bill that doesn't exist yet?

Mr. Hoyer. It is more complicated.

Q The President would have to sign the bill first, and then reconciliation?

Mr. Hoyer. But their point is that if you haven't got a bill that you're reconciling, how could you reconcile? And you have to write it so that in fact you have effected that end. And it is more complicated to do.

Q Is there going to be a new underlying bill?

Mr. Hoyer. We'll see what the President proposes. When you say a new underlying bill, the whole premise of your question is, no, there is not going to be a new underlying bill; the underlying would be the Senate bill. The issue is whether or not you could

pass legislation, changing the Senate bill that has not been passed into law yet, but having it written so that it changes that bill; then passing that bill, having the President sign that bill first, and then signing the corrections bill second, or the resolving of the differences between the two houses second, which would then affect the bill that had been previously signed.

Does everybody understand what I just said?

Q It is my understanding that you must pass the Senate bill and it must become law, at which point a previously agreed-up package and fixes --

Q As long as the President signs first --

Q Thank you.

Q When you say the House is looking for assurances from the Senate, what form do these assurances have to take? Is it a letter with 50 signees from the Senate side? Is this a handshake, or is this something more formal?

Mr. Hoyer. We need agreement between the two parties. I trust Leader Reid. If he tells me he thinks he can do something or they can do something, I think he'll be able to do it. If the majority of Senators say they are going to do something, I have confidence that they'll do it. Obviously, the most optimal way is for them to do it first, and then you have in effect great trust and you verify.

But in any event, there are a number of ways to do that. Again, we're working very hard to get consensus in both houses on

an agreed-upon result. And we'll continue to do that and see what the President has to say tomorrow.

Thank you very much.

[Whereupon, at 12:00 p.m., the press conference was concluded.]