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Subject: : Fleischer daily press briefing

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THE WHITE HOUSE

Office of the Press Secretary

Immediate Release

For
June 18, 2001

PRESS BRIEFING INDEX

TOPIC	PAGE
Personnel announcement	1
HMOs, patients' bill of rights	1-5
FERC, price caps	5-6; 8; 15; 17
Karl Rove	6-8; 11; 14
Garza, death penalty	8-11; 12; 18
Vieques, military training	12; 15-17
Japanese Foreign Minister	13
PACs	13
Foreign Minister Pakistan	14
India	14
GE-Honeywell merger	15
Medicare reform	17
GAO	17

THE WHITE HOUSE

Office of the Press Secretary

Immediate Release For
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PRESS BRIEFING
BY
ARI FLEISCHER

The James S. Brady Briefing Room

12:55 P.M. EDT

MR. FLEISCHER: Good afternoon. The President intends to nominate Joseph E. Schmitz to be Inspector General of the Department of Defense. The President intends to nominate Jeffrey William Runge to be Administrator of the National Highway Traffic Safety Administration. The President intends to nominate Terry L. Wooten to be a judge on the U.S. District Court for the District of South Carolina. And the President has designated Warren L. Miller to be Chairman of the Commission for the Preservation of America's Heritage Abroad.

With that, I'm prepared to take your questions. Mr. John Roberts.

Q Why does the President believe that patients shouldn't have the right to sue HMOs for damages in state court?

MR. FLEISCHER: Because the President's concern, John, is to provide patients with the maximum protections possible in their dealings with HMOs, without turning our system of health care into a system of one lawsuit after another.

There has been a very successful federal experience under what is called ERISA, which is a federal statute that guides coverage decisions, which has resulted in tens of millions of Americans getting insurance coverage they otherwise would not have through their corporations, through their businesses.

It's been very popular. Many unions, when they negotiate with corporations, seek to protect and to get those federal health benefits. That's secured through ERISA.

Once you have a federal system that allows employers to provide insurance protected through ERISA, and then you have a state system that could unwind those protections, you have a fundamental inconsistent match up. And since the federal system has worked so well to get assurance to people through their businesses, it makes no sense to change a working federal system and make it a diverse 50 state system. It cuts against the spirit of a very successful federal program that has brought health insurance to millions -- tens of millions of Americans. And that's why the President believes that the best remedy is to allow, after independent review, the right of patients to sue, if necessary, in federal court.

Q But isn't the bottom line really that there are no damage limits in state court, and that's something that he just can't live with?

MR. FLEISCHER: That, too, is a factor, that there are --

Q Isn't that the factor?

MR. FLEISCHER: Well, no, no, they are both. Because, again, the federal system that has gotten health insurance to tens of millions of workers is a good system that's working. Why would anybody want to undue it? And by taking court cases out of the hands of the federal government and putting them in the state hands, it could start to unwind the very successful system that has encouraged employers to provide insurance to their employees.

There also are issues involved in the amount of damages, particularly for non-economic damages. If you put that into a state system, you will have places where the sky is the limit, and it becomes a lottery, where anybody can win whatever amount they try to win.

Let me broaden this too, because there are very important issues here involving the patients' bill of rights. The President welcomes the upcoming debate on a patients' bill of rights and he hopes that we move quickly to a vote, so that patients can get the protections they need and deserve.

The President believes that this can be the year, if Democrats and Republicans work together, that we have a patients' bill of rights that can be signed into law. And he's prepared to do his part to make that happen. But the President believes that nobody, Democrat or Republican, should risk defeating the vital protections that patients need in dealing with HMOs in an effort to put in a poison pill that deals with legal liability issues that would derail the bill and prevent it from being signed into law.

There is so much good, there is so much common ground, there is so much agreement between the President and the Democrats and Republicans on patient protections. The President would urge the Congress not to put any poison pills in the way of that patient care.

Q Would he veto a bill that would put this situation in the courts, state courts?

MR. FLEISCHER: Helen, in a speech that the President gave in Florida, he made very clear that the legislation that was pending on the Hill at that time, which was principally a bill that did not have the legal liability provisions the President was seeking would not be signed into law.

Since then, there has been a bill that is a bipartisan bill -- it is offered by Senator Breaux, Senator Frisk and Senator Jeffords -- which is a bill the President would support. And as the Senate takes up its work, and as the amendment process begins, the President is going to keep a very careful eye on the substantive provisions of the bipartisan approach that he favors, which protects people's health care, which allows patients to have more rights in dealings with the HMOs, but does not turn into a system of unlimited lawsuits, lawsuits in a way that would make it very hard for people to get insurance.

And that's why the President views anything that does not meet the criteria he outlined in the Florida address as being a poison pill. It would just be a shame if the good patient protections would get drowned out by a poison pill and therefore not be --

Q Why is he worried about any liability award?

MR. FLEISCHER: He's not worried about any liability award. The President does believe there should be liability awards. It's a question, as always, of the matter of degree.

Q -- decides, I mean, would he object?

MR. FLEISCHER: It's a matter of degree. It's a matter of making sure that there are reasonable limits on those awards.

Q Why?

MR. FLEISCHER: Because the President does not want to turn our health care system over to the trial lawyers. He does not think that is a way to protect people's health needs and he does not think that's a way to keep health costs down, to keep health premiums at reasonable rates so more people can afford health insurance.

If all of a sudden the trial lawyers can have their way with everything dealing with health care, premium prices will shoot up. When you have massive jury awards, somebody has to pay that bill. And that's why the President supports reasonable caps on non-economic damages.

Q Ari, what you're calling a poison pill really is the heart of the McCain-Kennedy bill. Are you saying the President would veto that bill if it reaches his desk? It's also the most popular in Congress right now.

MR. FLEISCHER: I think that the heart of the patients' bill of rights should be a patient's right to get the care they need in dealing with their HMO. If the heart of a patients' bill of rights bill is a matter that is of special interest to the trial lawyers, that's not what the heart of the bill should be.

The heart of the bill should be people who, in their regular daily lives, have trouble getting the care they need from their HMOs. That means women who want to go see their OB/GYN, for example, are first required under some HMO plans to go see a gatekeeper. It's a difficult way to get health care delivered.

Patients who need to go to an emergency room are sometimes dissuaded from going because they first have to call an 800 number, otherwise they won't get their bills paid for. That should be the heart of a patients' bill of rights.

If that is the heart of the patients' bill of rights, a bill will get signed into law this year. If that's the heart of a patients' bill of rights, and the President, the Democrats and the Republicans in Congress will find a lot to agree on.

But once they get off track and start getting into issues of unlimited lawsuits, suits with a \$5 million cap, that is way too high, then that's a poison pill, in the President's opinion.

Q Ari, when you say that cap is way too high, does that mean -- and you say it's a matter of degree also, does that mean that the President is at least willing to talk about Democrats, about something between the \$500,000 that Breaux caps his bill at and the \$5 million that Democrats are at?

MR. FLEISCHER: The President thinks it's very important for all parties to want to work together. He thinks it would be unfortunate if anybody ever said there is no room for compromise. The President is

prepared to work with the Congress, but it has to be efforts that are focused, always, on patient protections, not on trial lawyer protections.

Q Ari, FERC today is going to -- apparently going to approve this plan that would expand price limits on energy to 10 other western states and cover non-emergency sales. Does the President support that plan?

MR. FLEISCHER: Well, first of all, FERC has not taken any action, and so I would hesitate to comment on anything until the action is taken by FERC. But the President has told Governor Davis that he is committed to helping California. He wants to make certain that if there is any evidence of illegal price gouging, for example, that FERC takes immediate action to correct any of the problems that were created from illegal price gouging.

So it's very important for FERC to remain vigilant, and to help protect California. But it's too soon to say, because we haven't heard what FERC is doing.

Q Does he view that plan as a cap?

MR. FLEISCHER: Well, again, without seeing the specifics of the plan, I don't want to wade in too deep. But what the President supports is action that is focused on market incentives, that preserves efficient generation of power. He opposes price controls, because price controls lead to great inefficiencies, that do not increase supply, that do not reduce demand and, therefore, make the problem worse. And that's why the President is opposed to price controls, because it will hurt Californians.

But if a solution can be found that is a market-based solution, to prevent spike-ups, for example, to send a signal to producers and generators that if they, for any reason, try to temporarily withhold supplies from the markets in an attempt to create a price spike, FERC could take action. The President supports market-based programs and market-based incentives.

Q You don't think that's going on now?

MR. FLEISCHER: If it is, and if FERC were to take the type of action that Scott asked about, then the FERC action would be very helpful.

Q Right now FERC has in place a market-based price mitigation system for peak hours. What's the difference between that and a price cap?

MR. FLEISCHER: A price control is set at an arbitrary level. If something is market-based, it is working within the market to create the greatest efficiency, so that the suppliers and the producers have an incentive to keep developing their supplies, and bringing them to the market, so people can afford them and people can buy them. If they don't have an incentive to produce supplies, then of course you're going to have a diminution of the supply, and therefore the price will go even higher.

Q But isn't government intervention in the market just government intervention? Isn't it trying to be half pregnant? Either the market sets the price or of the government caps it.

MR. FLEISCHER: Well, clearly that's not the way FERC works. FERC is

a very complicated entity, where they make decisions based on a whole variety of factors that involve market considerations. It indicates here Governor Davis is asking FERC to go way beyond that, and to put on price controls set at an arbitrary level, as opposed to more market-based prices. And that's the whole essence of what we all have to wait and see exactly what step FERC takes today.

Q One more question. Has the White House or the Energy Department been in contact with FERC on this policy?

MR. FLEISCHER: The President has not. I'd have to check to see if anyone else here has, I don't know.

Q If any White House officials or Energy Department officials have contacted FERC about this market-based --

MR. FLEISCHER: Terry, I couldn't tell you. I know what the President has done.

Q Another question on another subject, rather. Congressman Waxman has been asking for Karl Rove's records of meetings and his stock holdings. A, is the White House going to comply with that request? And, B, have all White House Cabinet members, senior staffers, sold off their stock holdings to this point?

MR. FLEISCHER: On this question, of course, Mr. Rove's financial disclosure is public information. Mr. Rove has complied. Mr. Rove has complied with all ethics requirements of White House employees. He's done exactly what the White House Counsel has said he should do. Mr. Rove has acted at all times with the fullest regard to ethics provisions.

As for Mr. Waxman's request, I think the American people are tired of these open-ended investigations and fishing expeditions. And just as Senator Daschle indicated over the weekend, he, too, agrees that it is not time to reengage in that type of activity. And the White House does not believe that that would serve the public well. The White House takes seriously all requests from members of Congress, and the Counsel's Office is working on a response to Mr. Waxman. And the White House will cooperate and will provide all information that it deems appropriate.

Q With all due respect, Waxman's office is saying they're not looking for a fishing expedition, and they also say, and Senator Daschle's office also says today, that while he doesn't believe in any payback, he does believe there are legitimate questions concerning Karl Rove that should be answered.

MR. FLEISCHER: And that's why I just indicated the White House Counsel's Office treats all letters from members of Congress seriously, and they are working on a response and they will cooperate to all degrees appropriate. But if people are asking for every meeting that anybody in the White House has ever participated in, that may have absolutely nothing to do with the matter in question, that clearly is a fishing expedition and that goes too far. But the White House is going to work to draft a response and we'll share all information that should be appropriate.

Q Is that what he's asking for, what you've just said would be a

fishing expedition?

MR. FLEISCHER: Well, according to what Kelly's question was, it's all Mr. Rove's meeting logs.

Q Should we anticipate when this response is given that we will see additional information -- we'll see additional information related to Karl Rove's contracts with companies that he had stock holdings in?

MR. FLEISCHER: Again, the White House Counsel is working on a response to Mr. Waxman's letter and they will cooperate to all degrees appropriate.

Q Ari, if I could try just one more time. Isn't there, though, an appearance problem here, though, in the fact that even if the matter -- also it's come up with energy policy, what role Karl Rove may have played and the fact that he did have some holding in some energy companies -- isn't there a little bit of an appearance problem that this White House may be concerned about, about being involved in meetings that could have affect his job?

MR. FLEISCHER: Kelly, I think the White House has already acknowledged that the Counsel's Office did not move as quickly as we would have liked on this matter. And we've acknowledged that. But Mr. Rove, right from the beginning, indicated he was willing to divest his holdings. And he was not able to receive his certificate of divestiture due to events totally uncontrolled by Mr. Rove. And as soon as he received his certificate of divestiture, he immediately sold.

Q Yes, but whoever's fault it is that he didn't --

Q Back on the price cap issue. I'm wondering if the administration is concerned that conservatives in the business community will regard this as being a price cap that the President is prepared to endorse? And, as an example of that kind of sentiment, I read to you from an interview with a senior fellow in economics from the Heritage Foundation today, usually a critic of the President's policies, who said: what is being proposed today, we are talking about the same thing as a price cap. There are hard caps, there are soft caps. This is the soft cap variety. I'd urge the President to back away from this just as fast as he possibly can if he wishes to keep the energy situation under control. It's away from free markets, it's away from the very plan he has just proposed on reforming energy.

MR. FLEISCHER: Well, I think that's why we should all withhold and wait to see what FERC decides. Nobody knows what FERC is going to do. So take a look at what FERC decides.

Q Are you concerned about conservative reaction to this position?

MR. FLEISCHER: You know, the President makes his decisions on what he thinks is right and wrong. And he's a pretty conservative fellow. And he will make his decisions based on what he thinks is appropriate, on the merits, and that he will be, of course, always interested in the reactions from all the American people.

Q Ari, you received the Garza petition. What can you tell us about that?

MR. FLEISCHER: The petition has been received. And the policy of the White House -- just so everybody is aware of this, for those of you who are not aware of how the President proceeded on these matters in Texas, so long as there are any legal matters that are pending prior to any federal death penalty matters, the President will not comment. There is currently a stay request pending before the Supreme Court; there is a clemency request that is pending. So the President will not have any comments to offer until all appeals are final and are dispensed with or taken up.

Q Given the imminence of the execution, though, presumably, he's got someone studying whatever action --

MR. FLEISCHER: Certainly. The clemency request goes through the regular channels, which means it is received by the pardon attorney at the Department of Justice.

Q And they're looking at that now?

MR. FLEISCHER: That's correct.

Q As a follow-up to that, there have been questions about the possible racial bias in federal executions. Does the President consider that a settled matter now?

MR. FLEISCHER: Well, let me, on the question of racial bias in these matters, a very important issue and something the President is very sensitive to and wants to make certain that it's done properly -- this is from the review that was conducted by the Attorney General's office into this question, and I'm going to read from it:

These are the main findings of the report: In cases in the U.S. Attorney's Office in which the facts would support charging a crime punishable by death, capital charges were no more likely to be brought against minority defendants than against white defendants. Rather, in potential capital cases, the proportion of defendants who were actually charged with capital crimes were 81 percent for white defendants, 79 percent for black defendants, and 56 percent for Hispanic defendants.

In cases in which a U.S. Attorney's office did charge a crime that is legally punishable by death, the department's procedures required that the U.S. Attorney General's Office submit the case for review with senior Justice Department lawyers, and that the Attorney General make a personal decision whether to seek a capital sentence.

For example, in cases considered by the Attorney General, the Attorney General decided to seek the death penalty for 38 percent of white defendants, 25 percent of black defendants, and 20 percent of Hispanic defendants.

And so that is the findings of the report. And I think this is one of the reasons why this report was also concurred in by former Attorney General Janet Reno. Attorney General Ashcroft has taken a look at this, and these are their findings.

Q How about the race of the victim?

MR. FLEISCHER: Of the people who are currently on death row, 78 percent of the victims of those people are minority; 65 percent black, 13 percent Hispanic. And so, clearly, we have a situation in which the victims of the crimes that were committed by those on death row are disproportionately minority.

And President Bush believes that the death penalty, if it's administered justly, fairly and swiftly, serves as a deterrent to crime. And from that point of view, the President views this as a matter of, given the disproportionate makeup of the victims being minority, a way to protect vulnerable communities in America through the delivery of a penalty that is sure and fair, administered fairly. And that's the President's overall view of death penalty cases.

Q But, Ari, the Justice Department, though, is even wanting to study the matter further because even it concedes that it still doesn't get to, sort of, the fact that racial disparities -- why are there more minorities on federal death row than non-minorities. So is there some pause about going ahead with a federal execution, potentially, when the Justice Department is even saying it's going to study the matter further to make absolutely sure there is no racial bias and to get to the heart of those racial disparities?

MR. FLEISCHER: Any additional study that the Department of Justice does will not change the facts that I just read about the sentencing. And in the case of Mr. Garza, all of Mr. Garza's victims, except one, were Hispanic. The prosecutor in the case was Hispanic. The presiding judge is Hispanic. At least six of the jurors were Hispanic. All the jurors individually certified that race, color, religious beliefs, natural origin and sex were not involved in reaching their respective decisions.

And, finally, on that point, the county in which the case was heard, which is Cameron County in Texas, that county is 85 percent Hispanic. And that's where the sentence was heard by a jury of peers.

Q Ari, when the President was governor of Texas, he or people who spoke for him always said that he based clemency requests on two standards: questions of whether there was any questions or doubts about guilt, and questions of proper legal representation. Are there any lingering --

MR. FLEISCHER: On the fairness of the process.

Q Right. Are there any lingering questions on Mr. Garza's --

MR. FLEISCHER: There's a pending clemency request, and I'm not going to delve into the specifics of it. The President will, at the appropriate time, inform the public of any decision he makes dealing with clemency issues. There is also one appeal pending still.

Q Ari, whatever the reasons for Rove's failure to sell his stock -- maybe he wanted to sell it -- should he, as a general matter of principle, he or any other White House official be meeting with officials of companies

in which they own stock?

MR. FLEISCHER: As a general matter, it's important for all White House officials to comply fully with all ethics rules. And the Counsel's Office makes a determination about those rules, about who must divest. Mr. Rove divested immediately upon receiving his certificate.

Q You're not answering the question at all. Should he, or any other White House officials, hold meetings with companies -- with officials of companies in which they own stock, or not? It's a very simple question.

MR. FLEISCHER: It's important for everybody to comply with ethics rules. That's the answer. It is not illegal to meet. It's important to comply with ethics rules.

Q Sort of on the same issue, but different -- on Karl Rove. In the decision to suspend bombing on Vieques, why was it that Karl Rove, a political strategist by training and title, was so intimately involved in that decision making process?

MR. FLEISCHER: Jim, Puerto Rico is part of the United States. Puerto Rico has a governor. Karl Rove is in charge of inter-governmental affairs. Karl is often involved --

Q Even the Defense Department thought that they should have been --

MR. FLEISCHER: Karl is often involved in meetings that deal with matters pertaining to states, and to, in this case, Puerto Rico. So that is part of his purview as inter-governmental affairs. But the decision was reached by the Secretary of the Navy, it was announced by the Secretary of the Navy, and the President concurs with it.

Q Ari, back on the situation of disparity in executions. President Clinton, Janet Reno and John Ashcroft both saw the -- and President Bush -- both saw the -- all of them saw that there was a problem with the disparity. I mean, granted, they've made the decision but, still, doesn't the White House see there is a problem that needs to be crafted and straightened out in some way, shape or form?

MR. FLEISCHER: Well, again, the Justice Department study and the statistics it gives, I think, speak for itself. The President is sensitive to this issue, and he wants to make sure that justice is administered fairly. And that's one of the reasons the President -- the Department of Justice has taken a look at these statistics and these facts.

Q But it also kind of looks like it's insensitivity, in a way. People who were on the death row are minorities. Then you have the victims are minorities. I mean, what if it was another, situation was turned around, would it be looked at a little bit differently?

MR. FLEISCHER: I can only speak to the situation as it exists.

Q The New York Times reported this morning that one of those leading the demand for the Navy to evacuate Vieques right now, rather than in two years is Lolita Lebrone, who in 1954 helped machine-gun the House of Representatives. And since nobody has designated any other all-year place

in the Atlantic where the Navy could practice amphibious landings like they did for Desert Storm, my question, why is the President yielding on this to people like Lolita Lebrone and Senator Clinton and Al Sharpton? I have a follow up.

MR. FLEISCHER: The President has always stated that what is important is that the United States military be able to carry out its mission, which is why the President has taken this action through the Department of Navy, with the President's concurrence, through May of 2003. But he also wants to make certain that our ability to use the facility is effective. Now it would be effective to the degree that there is local support for it. And those two factors go hand-in-hand. They both have to be carried out.

I think it's also fair to say that without this action, the Navy would not have any incentive to look for any other facility in which to train. And so by taking this action, the President is able to work with the people who are involved locally, to make certain that whatever is done there can be done effectively, while also helping the Navy to give itself sufficient time to find alternative training facilities.

Q The AP in Raleigh has records of the campaign -- strong campaign by environmentalists to try to force the setting aside of thousands of acres at Fort Bragg, to protect the red culcated woodpeckers from the noise and bullets of 82nd Airborne Rangers, Special Forces and Delta Force training. Will the Commander-in-Chief yield acres of Fort Bragg as he's yielding acres of U.S. Navy property on Vieques Island?

MR. FLEISCHER: This decision was based on the merits of the case in Vieques.

Q You've been gone a week. One last one? (Laughter.)

MR. FLEISCHER: You only get two. And I congratulate you, they were both cogent and a good follow-up. (Laughter.)

Q I know that you talked about this in the general, but we something -- did the President have a good time talking with Foreign Minister Makiko Tanaka of Japan this morning?

MR. FLEISCHER: Foreign Minister Tanaka was here for a meeting with National Security Advisor Condoleezza Rice. The President and the Vice President were able to stop by briefly. He informed her that he's looking forward to meeting with the Prime Minister at Camp David a week from Saturday. The Defense Minister from Japan will be in town next week, and that was the nature of the conversation. He talked a little bit about his meeting with President Putin.

Q Is it unusual for the President to drop by Dr. Rice's meetings with foreign visitors?

MR. FLEISCHER: No, it happens from time to time.

Q Ari, during the last election cycle, the President accepted campaign contributions from seven political action committees of seven corporate criminals. I'm wondering, do you think that's ethical, and shouldn't the dignified thing to do would be to give the money back and

say, since it's not that much money, we're not going to take money from political action committees of convicted criminals?

MR. FLEISCHER: You and I have been through this many times before. Political action committees come from the corporations. And that's the source of the -- come from voluntary contributions of employees of the corporations, and that's the funding source.

Q As a follow up, since one of those convicted criminals was General Electric, and they are lobbying heavily the EPA on a decision on whether or not to dredge the Hudson River from PCBs, the governor of New York, Republican, the governor of New Jersey, Republican, want the dredging to happen even though it's going to cost GE hundreds of millions of dollars.

The President has expressed concerns about the dangers of PCBs. Where is he going to come down on it?

MR. FLEISCHER: I'm not involved in that. I really have no information on this specific issue. I'm not sure that's a White House issue. You may want to check with the agencies.

Q At this time, the Foreign Minister of Pakistan is here meeting with Dr. Rice. And if the President is planning to drop by, just like he

did with the Foreign Minister of India? And, also, how much role the President is playing in the upcoming summit between India and Pakistan on Kashmir, in India.

MR. FLEISCHER: First of all, the meeting has not yet taken place. That's a meeting that is this afternoon, and if there are any drop-bys, I'll do my best to endeavor to let you know. But the administration is committed to building a mutually beneficial bilateral relationship with Pakistan. The administration is looking forward to a return to a democracy that will permit fully normalized relations. And the United States fully supports the upcoming July 14th meeting between India and Pakistan.

Q Ari, would you reply to the story in the Philadelphia Inquirer that the administration will lift sanctions against India?

MR. FLEISCHER: I have not seen that story, so I can't offer you any comment.

Q Ari, going back to Jim's question before, on Karl Rove, let me try and ask it a different way. Given that he wanted to divest himself, but was not able to because of delays by the White House Counsel's Office, was it appropriate for him to meet with Intel at a time when he still held Intel stock -- even, granted, he didn't want to?

MR. FLEISCHER: Under all the ethics provisions what is prohibited is from making any decision that can materially or directly affect someone's holdings as a result of the decision. And at all times, Karl acted in complete compliance with ethics rules.

Q Ari, does the White House share the concern of some Californian Republicans that some Republican members of the House could be imperiled by

the California energy issue and by the White House --

MR. FLEISCHER: The President's view is that everybody could be in trouble if we don't help to solve California's energy problems. It knows no party. People need to have their lights go on. And that's why the President has offered a national energy policy that will help produce America's supply of energy, will help give incentives for conservation. And the President is committed to working closely to help California. He took the emergency marketing orders earlier in the year to provide natural gas and electricity to the California market. And as I indicated earlier, he has asked FERC to make sure that they're vigilantly monitoring any of the problems in California, that they make sure there is no illegal price gouging.

The President doesn't think that this problem is one that knows political parties. He thinks it's a problem that all people, Democrats and Republicans alike, have to join together and solve.

Q The problem they're concerned about is that if the White House position is offering them a limited range of options -- House members -- and that an unyielding insistence on price controls could cause problems down the road for about a handful of California Republicans who come from districts that are getting hammered --

MR. FLEISCHER: The President at all times will make his decision on what he thinks are the right decisions and wrong decisions, and focus on the merits. The President is opposed to price controls because he believes that it will make the situation worse for the residents of California.

Q The European Commission has criticized the President for his comments last week on a GE-Honeywell merger. My question is, why did he feel it necessary to intervene in that particular case, and what is his response to the European concerns --

MR. FLEISCHER: The President did not intervene, the United States has already supported the merger. Canada already supported the merger. And the President was asked at a news conference in Europe and he reiterated the American position, which the American government already cleared the merger. So, of course, the President said that.

Q Ari, you gave an interesting answer to Les before when you said that without the action at Vieques, the Navy would not have had an incentive to look for alternative places to train. The Navy has come under some criticism for training elsewhere in the world -- Okinawa, for example. Would it be a good strategy to have them agree to leave that island in order to create an incentive to find new training areas in Okinawa and other places around the world?

MR. FLEISCHER: If you remember Mr. Kinsolving's insightful follow-up question, I answered by saying that the decision on Vieques is handled uniquely, it's handled on the merits of this particular case. And that's why the President made the decision. It's about Vieques.

Q Do you have any degree of confidence that the Navy will find another place similar to Vieques? I mean, apparently, there is no other place like that.

MR. FLEISCHER: The Department of the Navy has indicated, the Secretary of the Navy has indicated that they understand that they have through May 2003, and they will endeavor to do so.

Q But --

MR. FLEISCHER: The President is confident that they will.

Q The President is confident they'll find a similar place?

MR. FLEISCHER: That's correct.

Q Is there a concern, though, that some Republicans in the Congress may not go ahead and "undo" the legislation and call for the referendum anyway in November?

MR. FLEISCHER: Well, it's important when you're dealing with military training exercises is that they be effective. And, clearly, it was getting to a point on the Island of Vieques where the effectiveness was coming into question. And the only purpose of carrying out a military exercise is for it to be effective.

Q But my question, tho, are you -- is this administration encouraging or trying to convince Republican lawmakers to "undo" this legislation and not go forward with the referendum?

MR. FLEISCHER: With the referendum? Yes, the position of the administration is there's no need for a referendum any longer. But it is the law of the land, and unless a change is made, there will be a referendum. But the administration does not see the need for it, given the action taken by the Navy and the President --

Q Have any other areas volunteered -- for example, there is some talk that Israel might have volunteered. And, if so, if another area can be found, is there a chance the bombing practices will stop before 2003?

MR. FLEISCHER: Those are hypotheticals, so I don't want to get --

Q Ari, after the meeting last Thursday, Secretary Thompson came out and said that the next piece of legislation that he would like to see pushed after patients' rights is Medicare reform. Is the White House planning to move forward on that agenda in the next few weeks?

MR. FLEISCHER: As the President indicated earlier this year, that he would like to see the Congress take up action on Medicare reform this fall. He is committed to that. He thinks it's terribly important that we are able to get prescription drugs to senior citizens and that we are able to reform a program that was written and has remained largely unchanged since its original construct back in the early '60s, while health care has changed so dramatically since then.

Q Does he plan to move forward with his own principles at all on this in the next few weeks?

MR. FLEISCHER: We'll keep you advised.

Q Nothing before this fall?

MR. FLEISCHER: We'll keep you advised.

Q Why is the White House stonewalling the GAO's request for the minutes and notes of meetings between the Energy Policy Development Task Force and energy providers?

MR. FLEISCHER: I differ with that interpretation. The White House is cooperating with the GAO on their efforts.

Q But you're not providing meetings and notes, though.

MR. FLEISCHER: The White House is cooperating with the GAO on it. I'm not aware of that. I'm not aware of anything specifically that John's asking about.

Q The White House has also argued that, legally, the GAO is not within its bounds to make the request for those documents, nor is it within its legal requirements to initiate an investigation based on who asked for it.

MR. FLEISCHER: John, all my information on this topic is that the White House is cooperating with GAO on it. So I'll be happy if you have any specific aspect of the cooperation that you want me to delve into.

Q I just pointed out two.

MR. FLEISCHER: Right. I'll try to find out for you. I'm not sure that's right. Oh, Jacob had his hand up.

Q I'll cede to Lester in a second. Ari, do you know of any Latin American leader that has petitioned President Bush for clemency on the Garza case?

MR. FLEISCHER: I'm not aware of anything specific, other than the request that went through the OAS, which Secretary Powell addressed yesterday.

Q Ari, did you see that report in The New York Times yesterday that there's an island off Maui which was used by the Navy for amphibious landings since the beginning of the second world war that has been closed down, and they paid \$400 million to clean up the thing? I mean, that indicates that it's going to be very difficult to find any place. I mean, would you want it where you live? (Laughter.) This thing is nine miles away from the town of Vieques, so why --

MR. FLEISCHER: I think we've exhausted this topic. Thank you.

END

1:30 P.M. EDT