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PRESS BRIEFING
BY PRESS SECRETARY JOSH EARNEST

James S. Brady Press Briefing Room

1:55 P.M. EDT

MR. EARNEST: Good afternoon, everybody. I apologize for the late start today. (Laughter.) Almost. I do not have anything at the top, Kevin, so we can go straight to your questions.

Q Okay, Josh. So I was wondering if the White House had any feedback on how it felt about how it went this morning in the landmark immigration case. Chief Justice Roberts asked questions suggesting he could side with the administration if there were some small changes in the proposed programs; others were more pointed about whether the President had usurped Congress's authority.

MR. EARNEST: Well, Kevin, I think -- and those of you who covered the two Supreme Court cases to consider the constitutionality of the President's health care reform law will remember how unwise it is to try to draw conclusions about the likely decision of the Supreme Court based solely on the questioning of the justices. In fact, I remember that there

were a number of legal pundits that emerged with some egg on their face after offering up some rather dire predictions about the administration's argument after watching the questioning, only to see a favorable ruling in the end.

So at this point, I'm going to withhold any prognostications on the part of the administration and just reiterate our continued confidence in the power of the legal argument that the Solicitor General presented to the Court today.

Q Can you speak as to why the President signed off on the U.S. deploying 200 additional troops to Iraq, and to sending Apache helicopters for the first time into the fight against the Islamic State group in Iraq? Is this a short-term increase? Did the Pentagon indicate that was the right number?

MR. EARNEST: Well, I can tell you that Secretary Carter is traveling in the region today; he was in Iraq today meeting with Iraqi officials to discuss these enhancements to our counter-ISIL campaign. All of the work that takes place in Iraq by the United States military is closely coordinated with the Iraqi government and Iraqi forces.

Obviously, Iraq is a sovereign nation, and making decisions like retaking Mosul from ISIL will be decisions that are made by the Iraqi government. What the United States has sought to do at every turn is to support our partners in Iraq as they implement a political strategy to unite the country, but also as they carry out a military strategy to drive ISIL out of those areas of Iraq where they have encroached.

The President's instructions to his national security team have consistently been to look for opportunities to reinforce those elements of our campaign that are showing some progress. And the announcements that Secretary Carter made earlier today are consistent with that instruction from the President, and these enhancements are consistent with recommendations that the President received from his military advisors.

Tim.

Q Could you confirm whether the First Lady and the girls are going to be going on any part of the President's trip?

MR. EARNEST: Tim, as you may have seen, the First Lady will join the President for part of his trip in the UK. But for

more details on the travel of the First Family, I'd refer you to the First Lady's Office.

Q And the oil producer talks in Doha fell apart last night. Is there any concern -- is the administration concerned that Saudi Arabia could embark on another effort to gain market share and the oil price would go down and that that would hurt U.S. producers?

MR. EARNEST: Well, Tim, at this point, obviously the United States and our economists pay close attention to fluctuations in the global oil market, and we're obviously aware of the kinds of political efforts that are underway -- or some of the political efforts by oil producers to coordinate their activities to maximize the economic standing of their individual countries.

We're aware of all of that going on. And we're certainly conscious of the fact that it has an impact on the U.S. economy. But at least from here, I wouldn't comment on any decisions made by any individual countries with regard to their oil production activities. I can just tell you that the administration has been very focused on energy security here in the United States. That is part of the strategy that has led us to a situation where the United States is producing significant quantities of both oil and natural gas here domestically in a way that does bring some important stability to our broader economy.

But we've also been focused on a strategy that includes increases in energy efficiency. We certainly have seen important increases in energy efficiency when it comes to cars and trucks that are on the road here in the United States. But we've also been focused on looking for other ways to generate energy, renewable energy like wind and solar.

So those kinds of investments have paid off in a way that's been good for the U.S. economy both in the short run, and stands to only expand its potential economic benefit in the decades ahead.

Q But the last time the Saudis embarked on this and just started opening a tap a couple years ago, it sent the price down, and the U.S. is now producing only at 2009 levels. Are you concerned that this could hurt U.S. jobs?

MR. EARNEST: Well, Tim, again, I don't think I would comment on any individual decisions or even potential decisions to be made by other countries. I'll just note that this is a welcome respite from the first six or seven years when I sat behind this podium and had to answer questions from your colleagues or other news organizations that asked whether or not the United States was concerned about the impact that high oil prices would have on the U.S. economy. So I wouldn't speculate either about what impact low oil prices would have on the U.S. economy, but the tenor of this conversation certainly seems preferable to the tenor of those conversations in earlier years.

Q Just one on the bridge that Russia is building to Crimea. There's some support on both sides. Even in Crimea, there's some at this point hoping that the isolation will be less if the bridge is built. But there's a lot of money -- \$3.2 billion. Is this money that President Putin could be spending better elsewhere?

MR. EARNEST: Well, I don't have a lot of information about their development plans, and obviously I wouldn't second-guess any independent decisions that the Russian government is going to make as it relates to infrastructure. I can tell you that the President continues to make a forceful case to President Putin that he should abide by the commitments that he made in the context of the Minsk talks. And I can tell you that President Obama had a conversation with President Putin today on this exact issue. The two leaders spoke this morning, and we'll have a more robust readout of their call later today.

But the United States continues to believe, and President Obama continues to make a forceful case that Russia needs to abide by their commitments. And by doing so, they can begin to relieve some of the isolation that they have sustained as a result of interfering in the sovereign activities of their neighbors in Ukraine.

Q You say the phone call was mostly on Crimea, or --

MR. EARNEST: The telephone conversation did spend a lot of time focused on the situation in Ukraine. There also was a rather intense discussion, as you'd expect, around the situation in Syria. But like I said, we'll have more details on the phone conversation later today.

Mark.

Q Can you say if President Obama raised the issue of the buzzing of the U.S. warship in the Baltic earlier last week?

MR. EARNEST: I asked this specific question and that did not come up in the call between the two Presidents. As I mentioned yesterday, those kinds of activities are destabilizing, a source of some concern, but they're not particularly unusual. And there is an already well-established channel for expressing our concerns about those kinds of incidents from the U.S. military attaché in Moscow to his Russian military counterpart. Those concerns were raised at that level and were not escalated beyond that.

Q There was another incident over the weekend where a Russian aircraft intercepted a U.S. reconnaissance plane. Has a complaint been lodged by usual channels on that incident?

MR. EARNEST: Well, Mark, I think this is a good illustration of just how these kinds of incidents, while provocative and concerning, are not particularly unusual. And I do not know at this point whether or not specific concerns have been raised about the incident that you just referenced. But it is a good illustration that these kinds of actions are not particularly unusual.

Q Secretary Kerry said last week in an interview that the United States would be within its justification to have fired on those two aircraft that repeatedly buzzed the warship in the Baltic. Did you see those remarks, and did he represent the White House view?

MR. EARNEST: I didn't see those remarks. I think the point that Secretary Kerry was making is that those kinds of actions are provocative. And it's certainly why we encourage the Russians to not engage in those kinds of activities. Abiding by generally accepted international norms, particularly when operating in either international waters or in international airspace, is important. But again, since we have ample opportunities to express our concerns about these kinds of provocative actions to the Russians, it did not necessitate a presidential-level conversation.

April.

Q Josh, I want to go back to a couple things you just said. This phone conversation with President Obama and Putin,

how intense was the conversation? You said it was an intense conversation. And what components were the intense pieces?

MR. EARNEST: Well, I don't know that I'm going to get into that much detail. I don't think I used the word "tense."

Q You said "intense."

MR. EARNEST: Intense.

Q So I'm using a piece of "intense." (Laughter.) How tense --

MR. EARNEST: I think that distorts the meaning of what I'm trying to convey.

Q -- not distort. Tell me, how intense was it?

MR. EARNEST: What I'm telling you is that there are important issues for the two leaders to discuss, and they had an opportunity to discuss them at some length this morning. And obviously when we're talking about the situation in Syria, it's rather serious, and there continues to be concern about all of the parties living up to the commitments that they made in the context of the cessation of hostilities.

And obviously we have for years now encouraged President Putin and the Russian government to use the influence that they have with the Assad regime to compel them to act constructively. And more recently that means to live up to the commitments that they made in the context of the cessation of hostilities, and that abiding by that arrangement around the cessation of hostilities is going to be critical to our ability to move forward on the diplomatic track and bring about the kind of political transition that's long overdue inside of Syria.

And President Putin has publicly expressed his view that this kind of political transition is critical to both Russian and U.S. interests in that country and in the broader region. And this is an opportunity where our interests overlap, and it's an opportunity for the President to once again make the case to President Putin that he should use his influence with the Assad regime to live up to the commitments that they've made in the context of the cessation of hostilities.

Unfortunately, we've seen that the cessation of hostilities continues to be fragile and increasingly threatened due to

continued violations by the regime. And this was the subject of what I think you could accurately describe as an intense conversation.

Q Was there more consternation that resulted from this meeting, from this phone conversation between the two? Were they at an impasse with the intense conversation?

MR. EARNEST: No, I wouldn't describe it as an impasse. It's not uncommon for them to have these kinds of conversations. And this is an opportunity for them to consult on these important matters once again.

Q And lastly, going back to the Merrick nomination, it's been said now from some members on Capitol Hill that the President did reach out to some members of the Congressional Black Caucus as they were still angry about the fact that -- upset about the fact that a black person or a black female was not nominated. And I know a couple of people, to include Congressman James Clyburn, the President actually reached out to and talked to. Could you talk to us about some of those calls that the President made and the talks that he had with members of the CBC?

MR. EARNEST: Well, I'm not aware of any conversations like that that have occurred recently. The President did address this at some length when he traveled to the University of Chicago a week and a half ago. The President talked about his unparalleled record of appointing people to the federal bench to ensure that that institution reflects the diversity of the country. And we've been through the statistics before about what the President's record looks like. The President has appointed 117 minority judges. That's more than any President in history. Nine African American circuit court judges, which is as many as any other President in history. Twenty-six African American female judges. Thirty-seven Hispanic judges. Twenty judges from the APIA community. All of those are totals that exceed any other President in American history.

In this case, the President made a decision that is consistent with the way that he made this decision in the past, which is, when the President appointed Justice Sotomayor, the first Hispanic to the Supreme Court, he picked the best person for the job. He picked someone of unquestioned integrity, somebody with unquestioned legal credentials, and somebody with a commitment to interpreting the law and not advancing a political agenda. He used the same criteria to choose Elena

Kagan and nominate her to the Supreme Court. And he used that same criteria to choose Merrick Garland.

So that's why we're going to continue to urge the Senate to fulfill their constitutional duty. Obviously, Republicans in the Senate described Chief Judge Garland as a consensus nominee, and we believe that he should be treated accordingly.

Q And last question. You said from that podium that this administration listened to their constituency when it came to the potential nominee. And we had black leaders who submitted the request for an African American or black person or a black woman. Now, Lani Guinier -- I talked to her last week -- she was of a mind that if you had picked an African American woman, she would have a tough year, just like she did in 1993. When you laid out all the requests and looked at the landscape, was that part of the equation -- that if you did nominate an African American woman, you might have gotten the same thing that you were seeing when Clinton nominated Lani Guinier in 1993?

MR. EARNEST: I don't think there was any previous presidential appointment that came to mind. I think in this case, the President was focused on fulfilling his constitutional responsibility. And the President was convinced that the American people would be best served by the President choosing the very best person for the job, and that's exactly what he's done. The President chose somebody, in the form of Chief Judge Garland, who is the chief judge on the second highest court in the land. Chief Judge Garland has more experience on the federal bench than any other Supreme Court nominee in American history.

That's why we've seen Republicans describe him in the past as being a consensus nominee. And just in the last week, we heard Republican Senator Rob Portman, from Ohio, describe Chief Judge Garland as "an impressive guy." You heard Republican Senator Pay Toomey, from Pennsylvania, describe Chief Judge Garland as very, very smart and very knowledgeable. Last week, Senator Flake described Chief Judge Garland as "obviously a man of accomplishment and keen intellect." So many Republicans have reached the same kind of conclusion that President Obama has about the ability of Chief Judge Garland to serve on the Supreme Court with honor and distinction in a lifetime appointment.

And that's the assessment that people make when they set aside politics. It's only when politics intrude that Republicans step forward and say that they're not going to consider anybody that's been appointed by President Obama. They're not doing that because they're concerned with who President Obama appointed. They're doing that because they are in a different political party than President Barack Obama. That intrusion of partisan politics into the Supreme Court process is not good for our country. It's inconsistent with most Americans' understanding of the Constitution. It's also inconsistent with most Americans' understanding of what the Senate's job is.

And that's why I think you have seen some traction around this argument that Republicans are not doing their job. They have failed. They have dropped the ball when it comes to fulfilling their responsibility to consider the appointment that the President has thoughtfully put forward.

I guess one thing that I can tell you is that there are some meetings that Chief Judge Garland will participate in this week. He will do meetings with five different senators over the course of this week. On Tuesday, he'll meet with Senator Debbie Stabenow of Michigan. On Wednesday, Chief Judge Garland will meet with Senators Lindsey Graham and Bill Nelson -- those will be separate meetings. And then on Thursday, Chief Judge Garland -- although it would be interesting if they did it together, I guess. But they will be separate. And then on Thursday, Chief Judge Garland will meet with Senator Menendez and Senator Kaine.

So at the end of this week, Chief Judge Garland will have met with, I believe that will bring the total to 40 United States senators, including 10 Republican United States senators. So he continues to fulfill his responsibility to engage with members of Congress. These kinds of private meetings have long been a precursor to a more public hearing -- or a public hearing. And this is the case that we're going to continue to make, that when you hear Republicans say that they don't want a hearing, frankly it's because they're concerned that Chief Judge Garland is going to do well in a hearing and they don't want the American people to be left with the impression that this individual deserves a lifetime appointment on the Supreme Court because it's then going to make it harder -- even harder than it already is -- for them to block his nomination.

So we're going to continue to make the case that Republicans in the Senate should do their job, and hopefully they will.

Mary.

Q Back on the 28 pages of the 9/11 report. You said last week that you'd check to see if the President had actually read those pages. I'm just wondering if you've had a chance to get that answer, if he does support declassifying those pages.

MR. EARNEST: I don't know whether or not he's read the 28 pages. Obviously there is a process that's underway at the Office of the Director of National Intelligence to consider those 28 pages and determine how much, if any, of those documents can be declassified and released. There's a well-established process for this, and I'd refer you to Director Clapper's office for an update on where that process stands and how soon a decision about a potential release could be made.

Q What's your response to 9/11 families who feel that, by opposing the Schumer-Cornyn legislation that the administration is siding with Saudi Arabia instead of with the victims?

MR. EARNEST: Well, our concerns about this law are not related to its impact on our relationship with one particular country. In fact, our concern is about an important principle of international law. The whole notion of sovereign immunity is at stake and it is one that has more significant consequences for the United States than any other country.

The concern that we have is simply this: It could put the United States and our taxpayers and our servicemembers and our diplomats at significant risk if countries were -- other countries were to adopt a similar law. Let me give you one example. Obviously, the United States is involved in a wide variety of humanitarian relief efforts in countries around the world at any given time. If somebody decided that they wanted to -- that they were unhappy with the way that those humanitarian relief efforts were being carried out, you can imagine someone in some faraway country would file a lawsuit against the United States for our humanitarian relief efforts.

This, again, could potentially put the United States and our taxpayers at risk. It could also put individual U.S. servicemembers who are often involved in those humanitarian

efforts at risk as well. That's why this principle of sovereign immunity is critically important. It allows countries to resolve their differences through diplomacy and not through the courts in one country or the other.

We continue to believe that the concerns that we have with Saudi Arabia can be addressed through diplomacy. Of course, they're an important counterterrorism partner to the United States. There are a variety of areas where we work closely together -- everything from trying to resolve the situation in Syria to degrading and ultimately destroying ISIL, to fighting al-Qaeda in Yemen, or to counter Iran's malign activities in the region. Those are all areas where the United States and Saudi Arabia work effectively together in a way that advances our shared interests. But we surely do not agree on everything. But our differences are differences that can be resolved through diplomacy and don't have to be resolved in a way that opens up the United States to significant potential vulnerability in a whole host of countries around the world.

Q And do you expect that this issue, both the legislation and the 28 pages, will be brought up later this week when the President meets with the King?

MR. EARNEST: Well, I don't know at this point. I don't know that they will necessarily be on the President's agenda. Obviously, there are a lot of important things for us to discuss. I outlined a few of them, particularly as it relates to Iran and ISIL and even the situation in Yemen.

The President convened Saudi Arabia and the other GCC countries at Camp David last May, and at that summit, the President was focused on helping the GCC countries improve their coordination and cooperation so that they can work more effectively together in cooperation to advance their security interests. And the United States can certainly play a helpful role in facilitating that cooperation, both using our expertise, but in some cases, offering our technology and equipment.

So we obviously have a long agenda when we get there. But, look, if this issue were to come up, obviously I think the situation that I have described in terms of the potential consequences of rolling back this core principle of international law is how the President would explain our position to his counterpart.

Q And one question on Zika. If Congress does not go ahead and approve the \$1.9 billion in funding that you're asking for, what's plan B, or what comes next? Dr. Fauci, over the weekend, said you would have to pull from other areas to continue for that vaccine development that's underway. Have you started the process to identify what other areas you could draw funding from?

MR. EARNEST: Well, I think you'd have to talk to both Dr. Frieden at CDC and Dr. Fauci at NIH for a detailed answer to that question. I can tell you that what both of them have done as a matter of just being responsible public health professionals is they've been forced to prioritize. And that has meant pulling resources away from some core priorities to focus on this emerging threat.

That's a significant problem, particularly when you consider that there's no good reason that Congress hasn't acted. This is not right now an urgent situation. For the last two months, it's been a situation that's called for congressional action. That's why we put forward a detailed proposal for members of Congress to act on. Instead, Republicans in Congress have done little to nothing to address this issue for the last two months. And the opportunity to get ahead of this potentially serious situation is washing away. And that's a significant problem.

So we've already seen our public health experts do the responsible thing and begin to focus on what resources can be used to address the threat from Zika, but they are insufficient. And we need Congress to fulfill its responsibility to put the public health and well-being of the American people first, and to act on the Zika funding request that we put forward now nearly two months ago.

Suzanne.

Q I want to go back to Saudi Arabia. Would the President veto legislation allowing relatives of the victims of 9/11 who would sue the Saudi government or other foreign entities who were shown to be directly involved in the 9/11 attacks?

MR. EARNEST: Well, Suzanne, given the long list of concerns that I've expressed about rolling back this core principle of international law, it's difficult to imagine a

scenario in which the President would sign the bill as it's currently drafted.

Obviously, the President has devoted significant time in office to fighting for the 9/11 families, and fighting for those who risked their lives to rescue and rebuild after 9/11, particularly at Ground Zero. So the priority that the President places on these issues is well-documented, and what the President believes is that the most effective way for us to advance our interests, particularly as it relates to countering violent extremism and countering terrorist organizations around the world, is for us to use our American military where necessary to protect the American people, but to try to work cooperatively with other countries around the world to advance our shared interests.

And since 9/11, we have seen a genuine focus on the part of the Saudis to countering those who seek to profligate extremist ideology. We recognize, and the Saudis now recognize, just how dangerous that is. And the United States and Saudi Arabia now work together to counter those who seek to advance these ideologies. And we do that in a way that demonstrates the ability of our two nations to cooperate, particularly on issues that are important to the national security of the citizens in both our countries.

Q The Saudis have threatened to sell billions of U.S. assets if the legislation passes. Is the President going to address that?

MR. EARNEST: Again, I don't know that this issue is going to come up in their meetings, in part because I'm confident that the Saudis recognize, just as much as we do, our shared interest in preserving the stability of the global financial system.

Q But the administration -- I mean, what is the response to that threat?

MR. EARNEST: Well, again, I feel confident in telling you that the Saudis recognize the shared interest that the United States and Saudi Arabia have in protecting the stability of the international financial system.

Q Is the administration dismissing the threat?

MR. EARNEST: I think I've been pretty clear in answering your question.

Q On another topic -- the bus explosion in Jerusalem, there's been conflicting reports in terms of an explosion regarding a terrorist threat or if it was something mechanical. Do you have anything?

MR. EARNEST: I don't have any firsthand information about this. Obviously we're aware of those reports, and law enforcement officials in Israel are taking a close look at this, as they should. And I'm confident that they'll take a close look at this and that U.S. officials will stay in touch with them on this matter.

Q And back to immigration. At the Supreme Court today, outside, there were many undocumented immigrants who really wanted to know from the administration what they should do. If the Supreme Court comes back and supports the administration's deferred action programs, knowing that this is something that could be changed or reversed under a Republican administration, whether or not that they should, in fact, come out of the shadows with just months away from potentially facing that kind of risk. Is there advice or guidance that the administration is giving to those people?

MR. EARNEST: Well, at this point we're going to wait and see what the Supreme Court decides. That's what our process -- that's what our legal process dictates. And obviously the U.S. government and the Obama administration has been deeply engaged in that process, and we have made strong arguments before the courts about the wisdom of this approach. We've also made strong arguments about how the approach that President Obama has pursued to use this executive authority to bring greater accountability to our immigration system is consistent with the way that President Reagan and President George H.W. Bush used their executive authority. Both of those Presidents used their executive authority to offer relief to undocumented immigrants, and offered them the opportunity to get a job in the United States. And that was relief that was granted to about 40 percent of the undocumented population in the United States at the time.

President Obama has used the same authority to do exactly the same kind of thing. That's why we continue to be confident in the persuasiveness of the arguments that we have made before the courts. But at this point, it's unclear exactly what impact this will have on the policy process and in our ability to implement this policy decision that the President and his

team have made here. So once we have greater clarity from the Supreme Court, we'll be able to offer clearer guidance to those who are eager to get that relief.

Chip.

Q Josh, you said to ask Director Clapper about the 28 pages, but isn't this a decision that is of such magnitude that it would be decided by the President, himself, eventually?

MR. EARNEST: At this point, this is something that the Office of the Director of National Intelligence is handling consistent with the well-established process for declassifying sensitive national security material.

Q But won't the President make the decision himself eventually?

MR. EARNEST: Not necessarily. This is something that our intelligence community does routinely. And at this point, I would --

Q There's nothing routine about this. I mean, this is a major document. This isn't just another classified document that they have to decide whether to declassify or not.

MR. EARNEST: No, I would acknowledge that there is something -- that this is --

Q Unique --

MR. EARNEST: Well, it's significant because it relates to obviously the biggest terrorist attack that's been carried out on American soil. So it's obviously something that the intelligence community takes quite seriously, but they take all these matters quite seriously. And there's a well-established --

Q Are you going to say the President, himself, may not make this decision?

MR. EARNEST: What I'm saying is that there is a well-established process that the intelligence community has for considering these kinds of questions. And right now that is the process that we're in the middle of.

Q And on the Supreme Court -- do you think -- or does the President think -- and maybe you've addressed this before; I'm not here all the time now -- but does the President think that decisions of this level of importance should be postponed until there are nine members on the Supreme Court?

MR. EARNEST: Well, the President believes that it's the Supreme Court's responsibility to determine how this should be best handled. Obviously it was President Reagan who was pretty outspoken in making the case that these kinds of cases should be handled with the full complement of justices. I'm just looking for the --

Q Does President Obama agree with President Reagan on that?

MR. EARNEST: He most assuredly does. And look, for every day that goes by that the Supreme Court does not have the full complement of justices, the American people are not best served by their legal system. And that is the argument that President Reagan made in urging the United States Senate to act on his nominee to the Supreme Court. That was action that he was urging them to take in his final year in office. It was an election year. It was President Reagan's final year in office.

That's exactly the situation that we have now. When President Reagan was in office and he made that case, Democrats has the majority in the Senate, and they went along with it. They recognized that they had a constitutional duty to confirm Justice Kennedy to the Supreme Court, and that's what they did. We're simply asking Republicans to do exactly the same thing.

Q Has the President been briefed by Don Verrilli on the Supreme Court case today? Do you know?

MR. EARNEST: I don't know that the President -- he has not been briefed by the Solicitor General, at least not today. But I would anticipate that the President will get briefed by his staff about how the arguments went before the Supreme Court before the end of the day today.

Q And do you know if the President has voiced -- or if anybody has voiced any opinion on the issue of standing, and if that would be a good way to resolve this case for now, since there are only eight justices on the Court?

MR. EARNEST: I didn't listen to the whole argument today, so I don't know how this issue came up in the argument today.

Q It looks like Kennedy is a little iffy on it.

MR. EARNEST: It's hard to tell just based solely on the questioning. There are a lot of assumptions made about the views of the justices, of the Affordable Care Act, based solely on how they questioned the Solicitor General at the time. That proved to be a rather unreliable measure of the -- or unreliable predictor of the eventual outcome.

Q But if they were to throw it out on standing, that would be a major victory for the administration, would it not?

MR. EARNEST: Well, I'm no attorney, but my understanding is, based on the public reporting on this, that, yes, if this is an argument that is thrown out on standing, then it would allow the administration to move forward with implementing this executive action. And we would obviously welcome the ability to do that.

Mark.

Q On Iraq and the deployments there -- 200 additional soldiers doesn't seem like a huge amount in the grand scheme of things, but now the number is back over -- the authorized level is back over 4,000.

MR. EARNEST: That's right.

Q And plus, some of these special operators are going to be going to the battalion level, which Secretary Carter acknowledged puts them closer to actual combat. Isn't this a classic case of mission-creep?

MR. EARNEST: Well, Mark, this is a classic case of the President asking his team to develop ways to intensify those elements of our strategy that have shown some progress. And we know that Iraqi forces fighting ISIL on the ground, in Iraq, have benefitted tremendously from the advice and assistance that they have received from U.S. servicemembers that have accompanied them. And what we have sought to do is to develop a strategy that would allow us to offer more advice and to offer greater assistance. That does not, however, put American servicemembers automatically on the front lines.

I'm not seeking to downplay the significant risk that our servicemembers are taking in Iraq. We've already seen a couple of U.S. servicemembers killed in Iraq. What they're doing is quite dangerous. That certainly applies to the fighter pilots that have been flying missions over Iraq and in Syria for well over a year now. These are men and women in our military who are putting themselves in harm's way for our national security. We owe them a debt of gratitude. But that is different than the kind of ground combat mission that more than 100,000 U.S. servicemembers had when President Bush sent them into Iraq. The mission that they have now is quite different.

Q But even if it isn't 100,000 men, doesn't it further Americanize a fight that the President himself has said most effectively is fought by local forces on the ground?

MR. EARNEST: That is exactly right. This has to be a fight that is led by local forces. And the decisions that were announced today were announced after Secretary Carter had an opportunity to consult with Iraqi government officials, because Iraqi government officials are going to continue to call the shots here. And they obviously benefit tremendously from the support that they have received from the United States and our coalition partners. That support comes in a variety of forms. And what was announced today were ideas for intensifying that support in a rather tangible way. But it does not change the basic elements of the strategy, which is that this has to be a fight that is led by local forces with the support and assistance of the United States and our coalition partners. And that's exactly what we've done thus far, and that hasn't changed based on the enhancements that were announced today.

Angela.

Q Thanks, Josh. Can you bring me up to speed on the state of play on breaking the logjam on Eric Fanning's nomination to be Army Secretary? As I'm sure you know, Senator Roberts has a hold on that nomination, looking for a promise that the administration pledges to not send any Guantanamo Bay detainees to Fort Leavenworth, Kansas.

MR. EARNEST: I don't have a significant -- I don't have a procedural update to offer from here. Obviously, there is no questioning Mr. Fanning's commitment to serving this country. He is someone of unquestioned integrity and expertise when it comes to the critical functions of the United States Army. And he is a nominee who deserves bipartisan confirmation by the

United States Senate, and he's been held up for too long. And it's unfortunate that his nomination and his career in service to this country has been ensnared in political arguments made by one particular senator.

Q Does the administration plan to offer a promise, a pledge to Senator Roberts on that?

MR. EARNEST: Well, I think we've been quite clear about our commitment to closing the prison at Guantanamo Bay and seeking the cooperation with the United States Senate -- even if they're unwilling to help in that effort, the least they can do is remove the unwarranted obstructions that they have erected that have prevented the closing of the prison.

It is hard to imagine that Senator Roberts takes this particularly seriously. You may recall the last time that anybody has talked about Senator Roberts was when he filmed a video of himself crumbling up the President's plan to close the prison at Guantanamo Bay and throwing it in a wastebasket. So maybe he relishes the opportunity to be before the camera, but it's not apparent that he takes this critically important national security issue all that seriously.

Q One follow-up also on the call with Putin. Was that call initiated by the U.S. or by Russia?

MR. EARNEST: I don't know who initiated the phone call today.

Q Do you know the length of time that call lasted?

MR. EARNEST: No, but we'll look into it for you. I don't have all the details.

Byron.

Q Thanks, Josh. Can you be more specific about the White House position on Saudi threats to sell off U.S. assets if the 9/11 bill passes? You say you don't think Saudi Arabia will follow through with this threat, or that the President will veto this bill so we wouldn't actually see this come to a head. Is the White House concerned about it? How do we interpret your answer earlier?

MR. EARNEST: Well, Byron, I tried to be as clear as I could be. I outlined the significant concerns that the United

States has and the administration has with the idea of rolling back this key principle of international law. This question of sovereign immunity is something that protects the ability of the United States to work closely with countries all around the world. And walking back that principle would put the United States, our taxpayers and our servicemembers and diplomats at risk. And putting them into legal jeopardy is not a good idea and something that the President strongly opposes. And that's why he wouldn't sign legislation that would do that.

As it relates to this discussion about the selling of U.S. treasuries, obviously a country with a modern and large economy like Saudi Arabia would not benefit from a destabilized global financial market. And neither would the United States.

Q Would this also impact -- would such action have a significant impact on the U.S. economy? Is that something the White House is worried about?

MR. EARNEST: I think what I'm pointing out is that the Saudi government recognizes that both our countries and our economies benefit from the smooth functioning of the global financial system and it's not in their interest to destabilize it.

Q Can I follow up?

MR. EARNEST: Go ahead, Connie.

Q What's the status of the memorandum of understanding? And does the President have any plan to go to Israel or --

MR. EARNEST: I don't have an update for you on those discussions. I can certainly check with my National Security Council colleagues to see if they can provide you with an update. At this point, I don't have any new international travel to announce, but if the President decides to go to Israel I'm sure all of you will have the opportunity to travel with him.

Q How is he getting along with Netanyahu?

MR. EARNEST: Well, as I mentioned I guess a number of times over the years, the best way to evaluate the relationship between our two countries is not based on the pleasantries that are exchanged in private discussions, but rather on the commitment of the leaders of two countries to, working together

and cooperating, to advance the interests of their respective countries. And obviously, President Obama and Prime Minister Netanyahu have been able to work effectively to demonstrate the U.S. rock-solid commitment to Israel's national security. In fact, it was Prime Minister Netanyahu, himself, who indicated that the security cooperation between Israel and the United States under President Obama's leadership was unprecedented. And that's an ongoing commitment that President Obama has made throughout his seven years in office.

Rich.

Q Thanks, Josh. To return to the Saudi-9/11 issue, in a conversation today that David Axelrod and Ben Rhodes had on CNN, Ben Rhodes said that there were people in the government doing their thing -- Saudi government -- where there was insufficient attention to where all this money was going over many years from the government apparatus. If that is the case, shouldn't then there be some holding of responsibility by someone in the Saudi government? And doesn't that underscore those who support this bill and their argument?

MR. EARNEST: Well, Rich, let me start out by saying that Mr. Rhodes is currently the Deputy National Security Advisor, but earlier in his career he worked closely with Lee Hamilton, former Congressman from Indiana, who was the author of the report. And Ben had worked closely with Congressman Hamilton to write that report, so he's got his own detailed knowledge of this particular situation.

Obviously, that report concluded that they were not able to find any evidence that the Saudi government as an institution or that senior Saudi government officials were knowingly supportive of the 9/11 plotters. That's something that's included in the report. That's a report that's been declassified and made available to the public --

Q But it doesn't mention those beneath that, and that's what he's talking about here.

MR. EARNEST: Well, I didn't look at the whole conversation, but I think what he's referring to is something that is included in the 9/11 Commission Report.

More generally, I just want to go back to the fact that our concerns with the way the law is currently written stems from our view that protecting sovereign immunity is more important

for the United States than it is for any other country. And walking back from the core international legal principle could have a significant and negative impact on our ability to do business around the world. Even worse, it could put U.S. servicemembers and diplomats into legal jeopardy in other countries' courts.

And that's not going to advance our interests. That's not going to make us safer. It would only make it harder for us to effectively engage and coordinate and cooperate with countries around the world, including Saudi Arabia, who has been helpful in our effort to degrade and ultimately destroy ISIL, to go after al Qaida elements in Yemen, and to counter Iran's malign activities throughout the Middle East.

So this particular principle that we're discussing is not just about our relationship with one country, it's about the United States' relationship and our ability to work with countries all around the world.

Q So ruling out the court system as a venue, what recourse do the 9/11 families have if there's an acknowledgement that there perhaps are some within a foreign government who may be responsible?

MR. EARNEST: Well, Rich, what I can tell you is that the administration has worked aggressively to support the 9/11 families seeking compensation, and we have worked hard to support, and offered our full-throated support, to the rescue workers who risked their lives to rescue innocent Americans and to rebuild at Ground Zero. That's the President's record when it comes to 9/11 and in supporting those who lost loved ones on 9/11.

The legacy of that event is that President Obama has also sought to make protecting the American people his number-one priority. And he's worked with our allies and partners around the globe to counter terrorism, to advance our national security, and to advance our interests. And the truth is, countries like Saudi Arabia --- a country like Saudi Arabia is a good example. We certainly do not agree with everything that Saudi Arabia does, and there are numerous differences between our two countries. But the fact remains that the United States and Saudi Arabia are able to coordinate effectively to counter terrorism, to combat extremists, to degrade and destroy ISIL, and to advance the security interests of both of our countries.

That's why this kind of cooperation is critically important. It's why the President hosted Saudi Arabia and the other GCC countries at Camp David last spring. And it's why he's traveling to Saudi Arabia this week to meet with the leaders of GCC countries to talk about deepening our cooperation and ensuring that as they work together to provide for their own security that the United States can continue to facilitate improved cooperation among them.

Q Has the President conducted any personal outreach on this bill? Congressional outreach?

MR. EARNEST: I'm not aware of any presidential-level conversations about this particular piece of legislation.

Q And just one more question on the \$750 billion. Is it safe to say that you would -- given what you've said on this briefing, that given the concerns that the Saudis might have, what it would do to the world economy and their own economy if they were to unload \$750 billion of U.S. assets, that it's essentially a bluff?

MR. EARNEST: What I'm just -- the principle that I've repeatedly stated I'll state one more time, which is the United States certainly believes that Saudi Arabia understands our shared interest in protecting the stability and security of the international financial system. Saudi Arabia is a large economy and they would not benefit from roiling global financial markets.

Cheryl.

Q Thanks, Josh. A budget question. Last Friday, you indicated that the Overseas Contingency Fund shouldn't be used as sort of a slush fund. But Republicans are looking for more defense spending. You're looking, and Democrats are looking for Zika funding, for water funding, those type of things. Is there a deal to be had to increase spending as long as it's both defense and nondefense?

MR. EARNEST: Well, I think, Cheryl, when it comes to protecting the basic public health and well-being of the American people, that shouldn't be the subject of wheeling and dealing. It should be the subject of members of the United States Congress, particularly Republicans, setting aside politics and doing their job. And in this case, the administration, after consulting with our foremost scientists

and public health experts, put together a funding proposal and sent it to Congress two months ago.

Congress has not acted on that funding proposal, and instead, our public health professionals have been forced to pull money from other critical functions in order to try to begin the work of preparing for the Zika virus, when the truth is that if Congress had acted as the way you would expect them to, that money would have already been provided and our public health professionals would be farther along in their work to protect the country from the Zika virus, and our state and local partners around the country who will be at the front lines of this would be better prepared to, for example, eradicate mosquito populations, or to target mosquito populations to prevent an outbreak.

We also would see enhanced lab capacity so that people who are seeking to get a Zika test would be able to get the test in the first place, but would also be able to get a prompt response from the lab after they had undergone the test. Neither of those is true right now.

So there is more that we need Congress to do, and there's no reason it should be subject to a negotiation. This is part of the basic responsibility of the United States Congress, which is to take responsible steps, separate from politics, to protect the public health and well-being of the American people. That's what they should do.

Fred.

Q There was release out today that the FBI, the Association of National Police Chiefs and other law enforcement groups are supporting the Burr-Feinstein legislation on encryption. And that's something that it's reported that the White House is very undecided about it at least. Is there any rethinking on that as to whether the President would sign it if it does come to his desk?

MR. EARNEST: Fred, I have to admit, when you started that question I thought you were going to talk about the extensive law enforcement support for the President's executive actions on immigration. A similar group of law enforcement officials have come out and expressed their strong support for the President's immigration executive action. And despite what the Attorney General of Texas might tell you, the fact is the top law enforcement officials in the state of Texas actually think that

what the President wants to do when it comes to our immigration system would actually make communities in Texas safer. But that's just one example, and that's one tangent that's on my mind based on the way that you asked your question.

But, yes, as it relates to encryption, I'm not aware that we've taken a specific position on the legislation that you referred to. Obviously administration officials have been in touch with members who Congress who are interested in this issue. There is expertise that law enforcement and technological experts in the U.S. government can offer as this kind of policy is being carefully considered. The administration has engaged in those conversations in good faith.

What I continue to harbor is deep skepticism that Congress will succeed in writing and passing legislation that would effectively address this complicated policy issue. In some ways, the context of your question is relevant because, when it comes to something like Zika, that should probably be among the easiest things that Congress should have to do to make a decision about making sure that our public health professionals have the money that they need to protect the American people from a virus. That's a pretty straightforward thing.

When it comes to encryption, that's much more complicated. We're talking about a technology that's rapidly changing and questions about deeply held principles related to both national security and privacy. I just happen to be personally skeptical that Congress would succeed in getting something useful done on that when even the simple things, like protecting the American people from Zika, Congress seems unable to do.

Q So your skepticism is not to the substance of the Burr-Feinstein bill, but it's whether Congress could actually get this done?

MR. EARNEST: Well, I think a congressional process that yield a piece of legislation that is both effective in addressing the problem and capable of passing both Republican-led bodies in Congress -- yes, I'm quite skeptical that that will happen.

Q And I have a question on -- last week, the House Freedom Caucus called again for impeachment of the IRS Commissioner. The House Oversight Committee had initially put this idea forward. First, is there a White House response to

that? And secondly, does the President have full confidence in the IRS Commissioner?

MR. EARNEST: Of course, he does. It is ridiculous for Republicans in Congress, who seek to gut funding for the IRS -- in some cases, they actually call for the outright abolition of the agency -- to be a fair arbiter of the effectiveness of the IRS Commissioner. The fact is, Mr. Koskinen has an extraordinarily difficult job, and it's made only more difficult because Republicans seek to try to cut the funding of his agency. He is somebody who undertakes that work with a lot of professionalism and seriousness of purpose, and he deserves our gratitude for his good work.

Dave.

Q Josh, there was a GAO report out today that said the VA is still having significant problems fixing -- that veterans are still waiting long periods of time to get appointments in the health care system and that the Department has not solved the problem. Is the President frustrated at the pace of this?

MR. EARNEST: Well, there is no denying that the problems that the VA has encountered for more than a decade now have been deeply entrenched. And there are critically important reforms that are having a positive impact and we have made important progress in ensuring that our veterans get the benefits that they have so richly earned. That said, there's more work that needs to be done to implement those reforms and to continue to accelerate the progress of those reforms. And that's something that VA Secretary McDonald is intensely focused on. He does that work with the strong support of the President, because President Obama has made this a priority, and we're committed to making sure that we serve our veterans well. And there's more work that needs to be done to make sure that we realize that goal.

Q The administration only has a few months left to tackle this problem. How confident is the White House that you're going to resolve it by the time you leave office?

MR. EARNEST: Well, I think that there's no denying that in the first seven years of the Obama administration, that we have made remarkable progress in improving the service delivery system and drastically reducing the backlog and benefits claims. So that progress has been important. But there's nobody right now that's satisfied. We know that there's a lot

more important work to be done. And when you're talking about making sure that the bravest Americans have gotten their due, have gotten what they were promised, that's an important priority. It's certainly one that this President takes very seriously, and he certainly is not going to be satisfied until all that work has gotten done.

John, I'll give you the last one.

Q Thanks, Josh. The President obviously also has a lot of confidence in the Solicitor General who argued the case on behalf of the administration today. Did the President consult with Mr. Verrilli over the arguments that he was going to put forward before the Supreme Court today? And on the back end, did he get a debriefing from Mr. Verrilli about how things went today at the Supreme Court?

MR. EARNEST: I don't know how much conversation that they had prior to the arguments. I can tell you that the President will get a briefing from his staff before the end of the day today on how the arguments went. I don't know that Mr. Verrilli will offer that briefing in person, but it will be an opportunity for the President to hear how the case went.

Obviously, Mr. Verrilli is someone who has been through the wringer here several times and, I think by any assessment, is somebody that has a sterling track record, particularly on the most important cases in representing the federal government before the Supreme Court.

So the President's confidence in Solicitor General Verrilli is quite well earned, and that confidence in Mr. Verrilli and his abilities has paid off -- not just for the President, but for the American people who have enjoyed significant benefits from the Affordable Care Act, for example, as a result of Mr. Verrilli's effective advocacy before the Supreme Court.

Thanks, everybody. We'll see you tomorrow.

END

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