

Press Briefing by Press Secretary Josh Earnest, 4/13/2016

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James S. Brady Press Briefing Room

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MR. EARNEST: Good afternoon, everybody.

Q Hello!

Q Good afternoon!

MR. EARNEST: Thank you for the vigorous and warm welcome. (Laughter.) I don't have any announcements at the top, so we can go straight to questions, Darlene.

Q Okay, thanks. A couple of questions to follow up on Zika from earlier this week. You've been pretty critical of Congress over that issue for not acting on the President's funding request.

MR. EARNEST: That's a fair assessment.

Q Yesterday, the House passed a Senate bill that's supposed to speed up vaccines and treatments for diseases including Zika, and I wondered if you might be willing -- or give you an opportunity to walk back a little bit of your criticism of Congress on that issue since they have passed this bill and it's now coming to the President's desk.

MR. EARNEST: Well, Darlene, I hate to disappoint members of Congress, but the passage of that bill that you described is positive but a rather meager accomplishment. We were talking about earlier, in some ways it's akin to passing out umbrellas in the advance of a potential hurricane. So an umbrella might come in handy, but it's going to be insufficient to ensure that communities all across the country are protected from a potentially significant impact. That's what we're focused on.

Darlene, you may be familiar with the expression of being a day late and a dollar short.

Q I am.

MR. EARNEST: In this case, Congress is two months late and \$1.9 billion short in providing the assistance that our public health professionals say that they need to make sure that they respond appropriately to this situation. The bill that Congress passed yesterday doesn't include any funding. So that's not going to do anything to help local communities across the country that carry this virus -- or fight the mosquitoes that carry this virus. It's not going to expand access to diagnostics that would allow people to more easily get tested and get a prompt result from that test about whether or not they have the Zika virus.

All of these are steps that are critical to ensuring that we're protecting pregnant women and their newborn children from a virus that we know has a potentially devastating impact.

So, no, I'm not prepared to give Congress credit for that legislation. It is a positive step, but it is a far cry from what our public health experts tell us is necessary to prepare for the situation.

Q But developing a Zika vaccine is one of the things the administration wants to happen, and this bill is supposed to help speed that process along. So --

MR. EARNEST: Again, I'm not criticizing the legislation that they have passed. But there's far more significant steps that they could take even as it relates to expediting the production of a vaccine. One of the things that we know that the private sector does is they make decisions based on a commitment from the federal government to be a customer. That's why even private sector entities that we want to partner with to develop and test and eventually manufacture these vaccines are looking for a serious commitment. And we're talking about a serious virus. And I don't understand why Congress has failed to make the serious commitment that our public health professionals indicate they need.

Dr. Fauci, the Director of the NIH, stood at this podium two days ago and said that he does not have what he needs right now in order to do all that is necessary to prepare for this virus. And this is a unique scenario. We have advance warning. And for the last two months, Congress has frittered away the opportunity to ensure that we're doing all that we possibly can to protect the American people from a virus that, for most people, is not dangerous, but for pregnant women and newborn children could be incredibly dangerous. And that's why the President is seeking to work with Congress in bipartisan fashion to protect the country.

Q Will he sign the bill?

MR. EARNEST: I would anticipate that the President will sign the bill. Again, having an umbrella in a hurricane may in some situations come in handy, but it is insufficient to ensuring that our country is prepared for a situation that could have a significant impact.

Q The Republicans on the House Appropriations Committee today said that they're inclined to give the President some of the \$1.9 billion that he wants for Zika, but they may wait until September to do that. Given your comments to my earlier question, I guess that

would be unacceptable.

MR. EARNEST: It would be unacceptable. We know this is a mosquito-borne virus, and so why we would wait for all the mosquitoes to be born, to travel across the country and to spread, potentially carrying the disease before we begin to take steps to fight it doesn't make any sense. It almost makes me long for the days of having old Tom DeLay back. The former exterminator could surely offer some advice. (Laughter.) But, in this case, no professional extermination advice is required to figure out what we need to do to protect the country. But maybe we'd get -- maybe this gets Tom DeLay a couple of cable hits out of his former tenure in the United States Congress.

Q Okay, switching topics. (Laughter.)

MR. EARNEST: Or not. Or not.

Q He's got more material there. (Laughter.)

MR. EARNEST: That's what I was going to say. We could just --

Q Jon Stewart back there? (Laughter.)

MR. EARNEST: That's right. I'll be here all week.

Q Can you confirm reports that Russian attack planes buzzed a U.S. Navy destroyer in the Baltic Sea several times on Monday and Tuesday? And how will the U.S. respond to Russia for that activity?

MR. EARNEST: Yes, the White House is aware of the incident that you described. In the Baltic Sea earlier this week there were reports of Russian planes flying dangerously close to a U.S. Naval ship and a Polish aircraft. This incident, as you won't be surprised to hear, is entirely inconsistent with the professional norms of militaries operating in proximity to each other in international waters and international airspace. Any peacetime military activity must be consistent with international law and norms and conducted with due regard for the rights of other nations and the safety of other aircraft and other vessels.

There have been repeated incidents over the last year where the Russian military, including Russian military aircraft, have come close enough to each other, or have come close enough to other air and sea traffic to raise serious safety concerns. And we continue to be concerned about this behavior.

For more details about the specific incident and what kind of risk it may have posed to our servicemen and women, I'd refer you to the Department of Defense.

Q What about in terms of a response to Russia? A formal protest, or --

MR. EARNEST: Obviously, we have a variety of channels through which we can communicate with the Russians. But I don't have any updates right now about any conversations that have occurred about this particular incident.

Tim.

Q The President has a meeting today in Virginia.

MR. EARNEST: He does.

Q Do you expect any announcements on anything in Syria or Iraq?

MR. EARNEST: Well, yes, the President is meeting with the senior members of his national security team at CIA Headquarters in Virginia. It will be part of the periodic set of meetings that the President has done with the senior members of his national security team to get an update -- a detailed update -- of our ongoing effort to degrade and ultimately destroy ISIL. There are a variety of aspects to that strategy, and that's why you have such a wide variety of the President's national security advisers participating in the meeting.

You'll have an opportunity to hear directly from the President at the conclusion of the meeting. At this point, I'm not aware of any plan to announce any major decisions that were made in the context of the meeting. But obviously all of you will have an opportunity to hear directly from the President about what he learned in the meeting and why those kinds of briefings are valuable as we continue to maximize our coordinated strategy to degrade and ultimately destroy ISIL.

Q And to what extent do you expect the meeting will concentrate on Islamic State in Syria and Iraq and not other places like Europe and the Philippines?

MR. EARNEST: Well, the focus will be on our ongoing campaign against ISIL in Iraq and in Syria. This is essentially the headquarters of ISIL, if you will. But we know that there are extremists in other parts of the world that have sought to establish a safe haven in other places. And we're mindful of the risk that they pose in those other places, as well. But at this point I would anticipate that the focus of the meeting will be on continuing to degrade and ultimately destroy ISIL in Iraq and in Syria.

Q And on the KRG, Deputy Prime Minister Talabani today was talking about the monthly deficit of \$100 million and he would accept any conditions for that budget support. Is the administration open to any kind of budget support for the KRG direct?

MR. EARNEST: Well, I'm not aware of any updates that we have on this particular situation. But if we have news to make on this, I'll circle back with you and let you know.

Q And Puerto Rico, on the debt relief bill. Does the White House believe that the differences in the bill can be resolved quickly? A Treasury official was up on the Hill today saying there's a lot of differences that still need to be taken.

MR. EARNEST: Yes, well, I will say that we are gratified that Congress is continuing to make some progress. And this has been -- it's been challenging to continue to nurture a bipartisan process in the House. But we've seen good-faith actors on both sides of the aisle, both at the leadership level as it relates to Speaker Ryan and Leader Pelosi, but also

at the committee level, at the House Natural Resources Committee, try to find common ground that would offer the kind of debt-restructuring authority to the Puerto Rican government that we know that they need.

So we do have some technical concerns with the way that the bill is currently drafted. We're concerned with at least some aspects of it that we believe would not provide them sufficient authority to deal with the challenges that they face there.

We're also concerned that there are some unnecessary provisions in the bill that relate to things like federal lands and worker protections that would only worsen the economic problems that Puerto Rico faces, particularly when you consider that they've already suffered through a decade-long recession. It seems like the inclusion of those unnecessary provisions is, well, unnecessary.

Q And how confident are you that things can be ironed out?

MR. EARNEST: Well, we have been able to make important progress working in bipartisan fashion thus far. The release of a -- or at least the committee putting forward text of a bill is important progress, and we hope that we can keep the momentum going. But there's still some important work to be done here.

Toluse.

Q Thanks. You just talked about Puerto Rico and how difficult the issue is. You definitely made it sound like the White House is confident that the House would be able to come up with a solution, and I kind of want to compare that to your statements on encryption. You just saw the Senate put out their draft bill on that. It seems like your statements so far have been less confident that a complex issue can be solved by Congress. Can you sort of square that circle for me? Why on Puerto Rico you seem to be confident, and on encryption you seem to say Congress is not going to be able to do it.

MR. EARNEST: Well, I don't think I've said much to indicate that I am overly rosy about the prospect of important congressional action. I think we're hopeful, and we've seen some positive work done to address Puerto Rico's significant challenges. So I'd just -- while complicated, I think in some ways, the challenges facing Puerto Rico have a little more to do with the inherent political obstacles to getting this kind of legislation done. In some ways, this is sort of the classic -- this is the kind of case study I think that you could imagine undergraduate political science courses taking a close look at, right, because you obviously have a problem that is affecting 3.5 million Americans in Puerto Rico, but across the country they don't have -- there's not a clear constituency to apply pressure to members of Congress to make sure that they're doing the right thing.

But yet, when you consider the bondholders who are holding this debt, these are, almost by definition, rich and powerful people who have a clear financial interest in getting a deal that reflects their financial interests and not the interests of the 3.5 million people living in Puerto Rico.

And overcoming that dynamic is something that will be challenging for Congress to do, and it will only be successful if we do work in bipartisan fashion to get it done. So while it's difficult, it's not particularly complicated. We do know the kind of -- in fact, the kind of restructuring authority that we want to offer to the Puerto Rican government is the same kind of authority that is available to municipalities all across the country.

So there's a template for addressing this problem, and it shouldn't be that hard to figure out a way to provide the necessary oversight to ensure that Puerto Rico follows through on the kinds of reform commitments that they make in the context of getting this restructuring authority. So there's a template for addressing this challenge.

As it relates to encryption, the politics of that situation are no less complicated, but the policy details themselves are also quite complicated, particularly when you consider that you're dealing with a policy environment that's rapidly changing. Technology is rapidly developing, and as innovations are implemented in the market, we need to have a policy that doesn't just resolve the significant political tensions, but also can be dynamic enough to anticipate and continue to apply even as the environment changes as a result of innovation.

So I think these are two very different challenges. I want to be clear, I'm not that rosy about Congress even confronting the easy things. Because, again, too often, things that are common sense haven't gotten done in Congress. And I think that would account for the rather low esteem in which the public holds Congress right now -- things like waiting two months to do anything to address the potential problems caused by Zika. And only then passing a piece of legislation that doesn't include any actual funding that our public health professionals say that they need I think is an indication that Congress struggles to even do the easy things.

And there's no doubt that working through the situation in Puerto Rico and working through the challenges of developing a policy to deal with encryption are even more significant than that.

Q Has the President been briefed on the bill that is being sort of worked out in the Senate to deal with encryption? Is there going to be a White House effort to -- good faith effort to work with the Senate to actually come up with a solution, given the fact that you seem to think that the Senate is incapable of finding a solution on this?

MR. EARNEST: Well, of course we're going to engage with members of Congress on this. And we will -- we've been doing that all along, and we'll continue to do that in this case. But look, the prospects of Congress actually developing and building bipartisan agreement around a good piece of legislation that appropriately balances the competing equities here, and then taking the additional step of actually getting it passed I think are somewhat low. But I'm an optimistic guy. I'm happy to be surprised.

Q And I got another on the issue of putting -- on making a change to the \$10 bill. Would the White House or the President be supportive of Treasury Secretary Lew, if he decides to leave the \$10 bill as it is and potentially changes a different -- or if the President insists

that the woman be on the \$10, could there be a movement to put a woman on a different bill? Does it have to be the \$10 bill?

MR. EARNEST: Well, Toluse, this is obviously a decision that's made at the Treasury Department. And that's codified in the statute. But I think what Secretary Lew has said on this in the past is that he's considering changes to a number of elements of our currency. It's not just -- the consideration of changes, including ensuring that women are featured on our currency extend beyond just the \$10 bill. Secretary Lew has said that in the past. But for an update in terms of where they are in that process, I'd refer you the Treasury Department.

Q Just one more on the refugee issue. The President is going to be going to Germany later this month, and we know that the Germans have taken in a large number of refugees. I'm wondering if the President feels that he needs to shore up Prime Minister Merkel based on what she has faced -- her poll ratings after accepting so many refugees and how the President sort of assesses his role. Since last year, he said he was going to take in 10,000 Syrian refugees. And it seems like -- I think we've only taken in less than 1,500, and we're very far into the fiscal year -- how the President assesses his administration's job on taking the refugees and fulfilling that promise that he made last year.

MR. EARNEST: Well, I think as it relates to Germany, I do anticipate that the President will have an opportunity to give credit to the German people and to the German government because they've earned some credit. They have done a difficult thing, which is that they have offered refuge to hundreds of thousands of innocent people who are fleeing violence in their home countries. And that has strained not just the nation of Germany, but the entire continent. Those kinds of strains are understandable. And I think the majority of people in Germany have responded with the kind of humanity and generosity that we'd like to see. And even in the face of some political criticism, Chancellor Merkel has focused on implementing a policy that's consistent with the broad acknowledgement of human rights in the way that we observe -- what our values and morals tell us about responding to a situation like this. So she deserves credit for that and the German people deserve credit for that.

As it relates to the U.S. policy here, obviously the situation that the United States faces is different than the situation that the Germans are facing. And part of that is that the President has made clear that there will be a rigorous screening process that's put in place before refugees can enter the United States.

What is true is that individuals who enter the United States as refugees go through more rigorous screening than anyone else who attempts to enter the United States. And that's going to take some time. I don't have an update for you in terms of hitting our goal. I'd refer you to the State Department for that. But I know this is something that the President has made a priority and he's made clear to the State Department that it's a priority. And I'm confident that it will be implemented accordingly.

Ron.

Q Is it true that the screening process is being expedited for a number of refugees who are coming in from Syria?

MR. EARNEST: Well, I know that there has been an effort to put additional resources behind this effort that could make the process move more quickly. But I'd refer you to both the State Department and DHS for an update on that.

I am confident in telling you that in no scenario would the standards be weakened before an individual is able to enter the United States under their refugee status.

Q So again, the goal is still 10,000 by the fiscal year?

MR. EARNEST: That is still the goal.

Q How do you think the President will explain to Mrs. Merkel about his inability to have that happen here in the United States when Germany has taken in close to I think a million people?

MR. EARNEST: Well, again, I think the President when he travels to Germany will be prepared to tell her that he's prepared to meet the goal.

Q That just seems like it might be a little embarrassing to not be able to get 10,000 people into your country.

MR. EARNEST: Ron, I'm not willing to say that we're not going to hit the goal. So you should check with the State Department about that. But I don't see any indication at this point that we won't be able to make it.

Q On the meeting this afternoon with the national security team -- I remember at the nuclear summit a week or so ago, the President had 50 or so heads of state there. Has anything changed with the coalition since then that is reflected in operations on the ground? Or what's different since then that will perhaps be brought up at this meeting or discussed at this meeting? I'm just trying to see where there's progress or where there's change.

MR. EARNEST: Well, I think one obvious area where we've made some progress just in the last couple of weeks is the announcement from Belgian authorities that they've made important progress in their ongoing investigation into the terrorist attacks that ISIL sponsored in Belgium at the end of last month.

Obviously, the United States has been strongly supportive of European law enforcement, including Belgian law enforcement, as they've conducted those investigations. There has been valuable information that we've been able to share and other technical expertise that we've been able to offer that they have found helpful.

There continues to be a steady effort to ramp up the pressure against ISIL targets in Syria and Iraq. I have some updated statistics here. The United States and our coalition partners have launched now more than 11,500 strikes on ISIL targets in Iraq and in Syria. Thousands of ISIL fighters have been taken off the battlefield, including senior leaders

and external operations plotters, like the number two figure in ISIL, Haji Mutazz; Mohammed Emwazi, who is otherwise known as “Jihadi John;” and Haji Iman, who was essentially the finance minister for ISIL.

We've also dramatically improved our intelligence-sharing with partners to better counter the external threat that is posed by ISIL emanating from Iraq and in Syria. And the other area where we've made some important progress is actually an indication of the important role that the CIA plays in all of this. You'll recall that the United States conducted a raid against a leading ISIL figure in May of last year, almost a year ago. That figure was Abu Sayyaf, who was also a senior financial planner for ISIL. That operation in one instance led to the death of a senior ISIL figure, but it also gave our intelligence operatives access to a treasure trove of information. CIA analysts and other members of our intelligence community had an opportunity to dig into that material. And because of their effective integration with our military, they've been able to undertake an operation -- a set of operations that have significantly impaired ISIL's ability to finance their operations.

So material that was collected from that compound allowed us to develop a detailed understanding of ISIL's illicit oil operations. And it led to something that the Department of Defense called Operation Tidal Wave II. Strikes that were carried out in the context of Operation Tidal Wave II targeted oil infrastructure supply lines and hundreds of tanker trucks that ISIL used to move oil.

This essentially black market for oil that ISIL capitalized on, according to some analysts, actually was responsible for financing about a half of their operations. And we've been able to deal a significant setback to their ability to sell oil on the black market. And that's had a significant impact on ISIL's ability to fund their operations.

And just to give you one example, there are some key oilfields inside of Syria that at one point accounted for more than half of ISIL's monthly oil revenue. And we carried out strikes against the oilfield that has significantly impaired their ability to collect revenue from those sources.

So that is an example of important progress that we've made over the last several months, and I think it is a good illustration of the important role that the intelligence community has to play in our efforts against ISIL. And it's one of the reasons that the President is convening the meeting at CIA Headquarters today.

Q What about the problem of fragmentation where now ISIL is becoming something of a franchise operation, some people have said? Is there progress -- how has the strategy adjusted to deal with that?

MR. EARNEST: Well, we have seen that the threat from extremists has become more diffuse. And I know that Director Brennan talked about this a little bit earlier today with your network where he talked about the challenges that are facing the counterterrorism operation here in the United States, which is we know that extremist organizations don't

have the same kind of capacity and capabilities that they used to have when you had this core of al Qaeda plotters that had a safe haven in Afghanistan that they could use to carry out attacks around the world.

The threat is different now, but it's still serious and one that we take quite seriously. And that is why you've seen the United States just in the last couple of months announce airstrikes, taking significant extremist leaders off the battlefield in places like Libya and Somalia. That's an indication that while we're quite focused on the threat that's emanating from Iraq and in Syria, we're mindful that there are risks in other places, and we haven't taken our eye off the ball in terms of confronting those either.

Q Do you think that since Brussels, or does the President think that since Brussels that the threat has been reduced?

MR. EARNEST: Well, I think it is hard to reach that conclusion. I think the reason for that is that what's been revealed in Belgium is that there are these networks that ISIL has been able to tap into even in the West that have the potential of carrying out terrible acts of violence. And we need to be rigorous about countering that effort. And there are a variety of ways that we need to do that -- this sort of goes to what the President was talking about in his interview with Chris Wallace over the weekend -- that it's not just important that we are focused on the campaign against ISIL to degrade and ultimately destroy that organization, but how we do it is important too.

And that is going to be critical to our ability to root out and clean up networks that ISIL may be trying to establish in the West and in countries that we're quite friendly with.

Kevin.

Q Thanks, Josh. Just a little housekeeping to begin with. Can you give an update on the numbers at Gitmo? And has there been any progress on transferring any of the current detainees there to other places?

MR. EARNEST: I don't have any update on the numbers, but every time that there is a transfer, that is something that we make public. So you should be able to get an updated public assessment from the Department of Defense. And if there are any additional transfers in the weeks ahead, we'll obviously let you know.

Q All right, great. On the 28 pages, we talked yesterday about, in the congressional report pertaining to 9/11, there was a report later in the evening from the Tampa Bay Times that former Florida Senator Bob Graham had been advised by the administration that sometime within the next month or two, that those 28 pages may become declassified. Can you confirm that?

MR. EARNEST: I can't confirm the timeline. Obviously, Senator Graham dedicated a significant portion of his career to being the Chairman of the Intelligence Committee in the United States Senate, so he's somebody who has his own experience and even expertise on some of these issues. And we have made an effort to stay in touch with those

that we know have a genuine and serious interest in these issues. So that's why he got the phone call. But I can't account for the -- or at least I can't confirm that timeframe at this point.

Obviously this is a process that's run by the Director of National Intelligence. And I'd refer you to them for an assessment of the timeframe for a decision.

Q Have the President and Mr. Clapper had a conversation about this?

MR. EARNEST: I'm not aware of any specific conversations between the two of them on this, but at the same time I couldn't rule it out. Obviously, the President consults regularly, almost daily, with his Director of National Intelligence, and for obvious reasons, those are conversations we don't talk about publicly.

I can tell you that the Director of National Intelligence has indicated that they're hopeful that they will be able to complete the process of the review of these 28 pages before the end of President Obama's tenure in office. That's what they're aiming for. But for an update on that timeline, I'd encourage you to check with them.

Q I had a conversation with Jack Quinn yesterday, one of the attorneys representing thousands of the 9/11 families, and victims of 9/11. And in my conversation, he suggested that there has been sort of a back and forth between this administration and congressional lawmakers over the potential measures that might sanction governments that might have a hand in terrorism. Can you sort of help me walk through that process, what the administration viewpoint is on congressional measures that might sanction foreign governments that might have a hand in terrorism?

MR. EARNEST: Well, there obviously are a number of places where the administration has worked with Congress to put in place sanctions, and in some cases taken actions on our own to put in place sanctions against countries that sponsor terrorism. Iran is the best example. Iran is a country that is subject to sanctions by the United States that we've coordinated with the international community because we know they sponsor terrorism.

Q What about civil damages, though?

MR. EARNEST: Well, I think that would be a different question. Obviously, civil damages would be something that would go through a legal process.

Q Is that something the President would support?

MR. EARNEST: I'm not sure that the President at this point would weigh in on a hypothetical question like that that would ultimately be decided by the courts.

Pam.

Q Josh, Senator Leahy said that he was pessimistic now about the Garland nomination getting out of committee and that there was no procedural way that they could get it out of committee and to the floor. How do you feel about that?

MR. EARNEST: Well, listen, as I mentioned earlier, I'm an optimistic guy, and I continue to be very optimistic about the prospects for Chief Judge Garland. The reason for that is we made important progress in advancing his nomination thus far.

You'll recall that shortly after the announcement of Justice Scalia's untimely death, Leader McConnell made clear that the Senate would in no way consider anybody that the President put forward. But again, you have, even today, Chief Judge Garland meeting with another four or five members of the United States Senate. Just yesterday, he met with three Republican members of the United States. These are three Republican senators who -- including the Chairman of the Judiciary Committee, and including one senator, Pat Toomey, who had previously said that he wouldn't meet with Chief Judge Garland. But because of the pressure that he has faced to do his job, he did change his position and ultimately meet with Chief Judge Garland. They had, according to Senator Toomey's readout, a "substantive conversation." I think it lasted almost an hour.

And I think the question now, though, particularly for the people of the Commonwealth of Pennsylvania is, well, now that your senator has had the opportunity to hear from Chief Judge Garland, shouldn't you get the benefit of hearing from him too? Senator Toomey said that he was prepared to ask some tough questions, and that after having that conversation with Chief Judge Garland, Senator Toomey claims to harbor some concerns.

Well, if those concerns are genuine, why wouldn't we hear about them in public? Why would Senator Toomey just try to keep that conversation private? Why wouldn't we have a forum, like the Senate Judiciary Committee, convene a hearing? And let's have Chief Judge Garland answer those questions on the record, on camera and under oath. He's happy to answer Senator Toomey's tough questions in that setting. And then let's do what Republicans recommend -- let's let the people have a voice. Let's them decide about whether or not this nomination should move forward.

I suspect, Pam, that if Senator Toomey actually believed that Chief Judge Garland was -- or actually harbored legitimate concerns that Chief Judge Garland wasn't qualified for the Supreme Court, I suspect that Senator Toomey, at that point, then would support a hearing, because he would certainly be eager to demonstrate to the people of Pennsylvania why he opposed Chief Judge Garland's nomination.

That's why I suspect that, in fact, Senator Toomey understands that Chief Judge Garland would perform quite well in the context of a Senate Judiciary Committee hearing. He would do well in answering questions on the record, on camera, under oath about some of the most difficult legal questions facing this country. He would do so well, in fact, that we would see increased public pressure for the United States Senate to confirm him.

That is why Senator Toomey and the other Republicans in the United States Senate don't want to go through a hearing. That's why they don't want to move forward with a hearing. Because they don't want to give Chief Judge Garland the opportunity to demonstrate his fitness for the job. And that just is not -- that's not fair. It's also inconsistent with what the American people expect of the United States Senate. It's also inconsistent with the requirements of the United States Constitution.

Q Well, I guess the key to the next step going beyond these courtesy visits, is -- Chuck Grassley, the head of the Judiciary Committee, who says he's faced a lot worse pressure than this and he's not going to cave into it.

MR. EARNEST: Well, with all due respect to Chairman Grassley, he's had a couple different positions about whether or not he was going to meet with Chief Judge Garland as well. And, look, I think the question for him is the same. I think that he and Senator Toomey and some of the other Republicans were hopeful that by taking the private meeting with Chief Judge Garland, that that would relieve some of the pressure that they face.

I happen to think that the opposite is true. Now that they've had the private meeting and now that they've had the private conversation, I think it only begs the question why they won't want to have that conversation in public. And I'm not really sure what the answer to that would be unless their only concern is they don't want to have that conversation in public because they know how well Chief Judge Garland would do in answering their questions.

That's the reason they don't want to have it in public. That's the reason that they don't want to move forward with a hearing, because that's only going to increase the pressure on them to vote.

So, look, I know that there are people who are eager to say, look, you guys aren't really changing the tone, you're not changing the dynamic of the debate on Capitol Hill as it relates to Chief Judge Garland's nomination. And I think what I would say is the direction of that debate right now is such that Republicans are feeling pressure to do things they said they weren't going to do. Now, that started out as holding private meetings with Chief Judge Garland that they originally indicated they weren't prepared to have. And after having those private meetings I think the pressure is only going to continue to increase.

Q If Grassley sticks to his guns, is there a fallback strategy? Is there thought of a recess appointment, anything like that?

MR. EARNEST: Well, look, there is a clearly specified process for confirming nominees to the Supreme Court. And nowhere in the Constitution does it say that the Senate should not follow that process in an election year. In fact, the last time that the Senate had to move forward through the process of voting for a nominee for the Supreme Court in a presidential election year, the members of the United States Senate actually did their job. In that situation, you had Democrats who were in charge of the Senate, and in 1988 they were actually being asked by a Republican President of the United States in his last year in office to vote to confirm Justice Anthony Kennedy to the Supreme Court, and they did. They followed through. They did their job. But right now, you have Republicans in the Senate who are refusing to do their job.

And I know there are some who want to say, well, look, I recognize that this may be an issue of real importance in Washington, D.C., but across the country it's hard to get people particularly exercised about the Supreme Court. First of all, I'm not really sure that I agree with that sentiment that some express because I do think that people understand the consequences of ensuring that the Supreme Court is fully staffed when considering important questions like immigration reform and climate change and personal privacy and other things -- affirmative action. But what I do think people feel strongly about is that public servants, who are collecting annual six-figure paychecks, not doing their job -- that I think people are going to be pretty concerned about. And I think that is a question that people who are on the ballot in the fall are definitely going to have to reckon with.

Q Josh, can I follow up?

MR. EARNEST: Sure, Suzanne. Go ahead.

Q You've been making this case from the podium for weeks now. I mean, at what point does the White House change its strategy? I mean, there's clearly still resistance from the Republican leadership that there are not going to be these hearings. So when do you adjust, when do you change your strategy to something that's more successful?

MR. EARNEST: Well, Suzanne, we initially encountered resistance from Republicans refusing to even meet with Chief Judge Garland. And I think by the end of this week we'll be up to eight or nine Republican senators who have agreed to meet with Chief Judge Garland. All of them are doing that over the objection of the Republican leader in the United States Senate who has said that he's not going to do any meetings, and he said that the Senate wouldn't even consider Chief Judge Garland.

And I think after these meetings occur, you see them facing even more intense pressure from their constituents, saying, why are you having a long conversation with Chief Judge Garland in private but not in public? Why do you have to hide in the Senate dining room to have this conversation? Why wouldn't you have this conversation in public? What is it that you're concerned about? What are you embarrassed about? Why not just follow through with the process, the time-honored process of giving the Chief Judge the opportunity to make his case?

And here's the thing. I don't think you'd actually necessarily be doing Chief Judge Garland a favor. First of all, it's the Senate's job to do this. Second of all, we would anticipate that Chief Judge Garland would face really tough questions from Democrats and Republicans. And he would face those questions for hours at a time, and he'd do it with the camera turned on all the time. And he'd do it under oath. That's a tall order. But that's exactly what the President's expectation is that Chief Judge Garland should do.

So we're not asking for a free pass. We are asking for members of the United States Senate -- Republicans -- to do their job.

Q So would you consider having Garland go before some other forum to get the message across? I mean, if you can't get the public hearings, is there some other way that he would be able to speak to the public?

MR. EARNEST: Well, at this point, we would just prefer that the Senate follow through with their regular process. And there have been a number of senators who have now had the opportunity to -- there are now a number of senators who have had an opportunity to hear from him in private, and we believe that those senators and the rest of the American people should have the opportunity to hear from him in public.

Q You won't create some sort of other alternative forum to allow him to do that?

MR. EARNEST: At this point, that's not something that we're contemplating. There is a forum that has been given to every Supreme Court nominee since 1875. Every single Supreme Court nominee since 1875 has either gotten a hearing and/or a vote unless the President pulled back their nomination. And the President made pretty clear he's not going to pull back Chief Judge Garland's nomination. He is clearly worthy of a lifetime appointment on the Supreme Court, and he is clearly worthy of being treated fairly by the United States Senate. And that's going to require Republicans in the United States Senate doing their job, doing the job that they are paid to do.

And, look, even if there may be individual voters across the country who are not following the day-to-day developments of the Supreme Court fight, I do think that they're following the day-to-day developments about whether or not their representatives in Washington are doing their job.

Q And on the meeting today with his National Security Council, is the message coming out of that meeting going to be focused on U.S. allies and the importance of them sharing intelligence -- doing a better job of sharing intelligence when it comes to ISIS?

MR. EARNEST: Well, the importance of sharing intelligence will certainly be a part of the conversation. I described the way that U.S. intelligence analysts were able to exploit information from the Abu Sayyaf raid to benefit our campaign. That's an indication of how important it is to closely integrate our military and intelligence activities. It's also an indication of just how important it is for intelligence analysts to be able to share information with the military, but also with other intelligence agencies, to develop a better picture of what exactly is happening on the ground in Iraq and in Syria, because that's just going to enhance our ability to further disrupt, degrade and ultimately destroy ISIL.

So that's the focus of our efforts. And that will include encouraging our allies to do a better job of sharing even more information with the United States and our partners. And we're going to continue to make that case, and I wouldn't be surprised if that's something that does come up in today's meeting.

Bill.

Q On the Russian flyover in the Baltic, two days ago we were told that the Russians made 11 different passes at 100 feet, so close that they left wakes in the water, and that this is specifically forbidden by the joint agreement of forces operation. So isn't this something that would then rise to the level of a presidential complaint?

MR. EARNEST: Well, Bill, I think at this point I wouldn't prejudge exactly how -- we'll register our concerns in private with the Russians. Obviously --

Q Would it be private? Why wouldn't it be public?

MR. EARNEST: Well, I guess the conversation that we're having now would be public. And I've made quite clear that the actions by these particular Russian military pilots were inconsistent with the professional norms of militaries that are operating in proximity to one another in international airspace and in international waters. We've made no bones about that. And my colleagues at the Defense Department have been clear about that publicly, as well.

In terms of what the private conversations look like, I just don't have a description of that for you right now. But we'll keep you posted on that.

Q But it seems to be serious enough that it would warrant presidential attention.

MR. EARNEST: Well, Bill, what's also true is that we have seen a pattern on the part of the Russians in undertaking these kinds of actions that they at least, I think, intend to be provocative. And they're a source of some irritation, and that's something that we have expressed, again, both publicly and privately to the Russians.

But as it relates to this specific incident, I don't know at this point exactly how to describe to you what our private communications with the Russians would be.

Chris.

Q Josh, The New York Times Editorial Board last week published a piece saying the U.S. military's review of the transgender military service has stalled and time has come for the ban to be lifted. Is the President satisfied by the pace at which that review is being conducted?

MR. EARNEST: I haven't gotten an update on that ongoing process, but I'd encourage you to check with the Department of Defense. Obviously, Secretary Carter has made a pretty forceful statement in terms of the kinds of values that he believes should be embodied in military policy. He does believe that people who are capable of serving their country and have a desire to do so should be allowed to do that and they shouldn't be discriminated against just because of who they are.

But, look, this is something that the Department of Defense is handling right now. Obviously the President approves of the value statement that we heard from Secretary Carter. But for implementing the policy, we want to make sure that we're doing that

consistent with the recommendations of the military leadership. So that's why I'd refer you to Secretary Carter's office.

Q Yesterday you told me that a bill against transgender students in Tennessee was mean-spirited and contrary to values of equality and justice. Isn't it contradictory to hold that position and to also -- while the administration has a policy in place that prohibits transgender people from serving in the armed forces?

MR. EARNEST: Chris, I guess I'd point out that's why we're looking to change it. And that's why Secretary Carter indicated that they're looking to changing it. So for where that process stands, I'd encourage you to check with him.

Q But the buck stops with the President. Is he expected to ban this by the end of his term?

MR. EARNEST: I don't know what their timeline is, but you should check with them.

David.

Q Josh, yesterday we talked a little bit about sort of the anxiety on the campaign trail over the trade deal and what has been reflected by the candidates' position on TPP says something about sort of the public anxiety on that issue. You seemed to acknowledge the public has an anxiety on that. I'm wondering, on immigration, if what's happening on the Republican side has reflected something that is sort of counter to what people thought after 2012, which is that the country is ready for some grand piece of comprehensive reform. And you've had a legislative effort that's been blocked in Congress and an executive action that has been blocked by federal judges on two levels now. Does the White House believe there's maybe not enough public -- ultimately public support for this kind of maneuver at this point, and that's why you've had such difficulty moving forward at pretty much all levels?

MR. EARNEST: No, I don't think that. I think that there is demonstrated bipartisan support across the country for common-sense immigration reform that includes an important investment in border security. People often forget that the compromise legislation that was reached and passed through the United States Senate in bipartisan fashion, but was blocked by Republicans in the House, actually included an historic investment in border security.

What I think in general has happened is -- and not for the first time -- that a common-sense, bipartisan piece of legislation was blocked by Republicans in charge of the House who are appealing politically to a small minority of the population. That's what's happened. And that is what leaves Republicans in Washington quite concerned about the state of their party. Because right now they see a presidential candidate -- more than one, I should say -- right now the party is fielding a series of presidential candidates that appears to be taking a page from that playbook.

Q But the fact that those candidates have been successful, doesn't that say something about the public's view -- not all the public, but a significant portion of it, as the President keeps trying to move forward even on his own on some of these actions?

MR. EARNEST: Well, I won't deny that there are some candidates who have obviously demonstrated some success in appealing to a vocal minority. Whether or not that is a viable winning strategy in a general election remains to be seen. I think there are many Republicans -- based solely on what they've said publicly -- who are worried that it's not.

Q Do you feel that the anxiety that's felt by those supporting those candidates that we're talking about on the Republican side is reflective of anxiety on economics and things that -- worried that immigrants and illegal immigrants will take their jobs, or worried about the economy -- that there's deeper anxiety there?

MR. EARNEST: Well, the President has acknowledged this anxiety. The President has described this as the aftershocks of the Great Recession. And I think the President has made it a conscious choice to make a different kind of appeal. We've seen a lot of Republicans, particularly Republicans in Congress, who have made a specific effort to exploit those fears. And, look, that proved to be an effective strategy for them in the 2014 midterm elections. But it's not good for the country, and it does have the effect of blocking common-sense policies that a majority of the country clearly supports.

There's a reason that you had Republican-leaning business organizations, law enforcement organizations, faith-based organizations all indicating their strong support for common-sense immigration reform.

Q The House is appealing to a small portion of the electorate maybe against their own party's fortunes -- I mean, how would you describe then the sort of antipathy among these federal judges that have ruled against the President's actions? I mean, you can't blame that on House lawmakers.

MR. EARNEST: Because this is a case that is currently being appealed, I feel a little limited in what I can say about it, other than to voice confidence in the strength of the legal argument the Department of Justice will be presenting to the Supreme Court. We believe we have a strong case that is rooted in the way that previous Presidents, including Republican Presidents, have used their executive action to implement immigration policy. Both President Reagan and President George H.W. Bush, through their executive action, took action to grant some relief to hundreds of thousands of otherwise undocumented immigrants in the United States.

I recognize that there are specific legal arguments to make. But when you just consider the policies advanced by those two Republican Presidents, I think we've got a strong argument to make when we say that what President Obama did is entirely consistent with the way that they used their executive authority. And they did it for many of the same reasons that President Obama did. They recognized that there are limited enforcement

resources. They recognized that it would be good for the broader economy. They recognized that it would be good for reducing the deficit. That's all true of the steps that President Obama has sought to take here.

So we are prepared to make a strong case, both on the political merits but also on the legal merits, that what President Obama is seeking to do to reform our broken immigration system and to bring much needed accountability to our immigration system is actually good for the country. And that's an argument I suspect we'll have multiple opportunities to make not just before the Supreme Court, but potentially over the course of the election as we're debating all these policies.

Alex.

Q Tens of thousands of Verizon workers are going on strike today. And Secretary Clinton and Senator Sanders have both come down on the side of the protesters. Does the White House have any plans to reach out to either side in this or get involved?

MR. EARNEST: At this point, I'm not aware of any plan on the part of the administration to intervene in this labor dispute between Verizon and their union workers. Obviously the President has been an outspoken advocate of ensuring that people are fairly compensated for a hard day's work. But I'm not aware of any intent that we have at this point to wade into that dispute.

Q President Obama has been in contact with several Republican senators regarding Chief Judge Garland. Does he have any plans to reach out to anybody on the other side of the aisle regarding Zika funding?

MR. EARNEST: Well, I'm not aware of any specific conversations that the President has. I know that he's already had some conversations with Republicans about this priority. And, look, there should be no doubt about what the administration is asking for. We sent a letter -- this is our legislative language here -- dated February 22, 2016, and it includes the actual text of the legislation that's required for Congress to act.

So we're certainly prepared to have conversations as necessary to get Congress to act. I would anticipate that people like Dr. Fauci from the National Institute of Health, and Dr. Schuchat from the Centers for Disease Control would be happy to have conversations with individual members of Congress to help them understand why this funding is critical to our ability to protect the country. So we're prepared to have as many conversations as necessary, but every day that goes by is a day that's wasted to prepare for the potential impact of this virus.

Look, it's a rather unique situation. We know in advance that this is a threat. We know in advance the risk that this poses to the American population. And we've known this since early this year. The President convened a meeting in January with his national security and his public health team to discuss these risks, and in the space of a couple of weeks put together a robust proposal with specific language that Congress just needs to pass.

But for the last two months, we haven't seen Congress do anything other than the equivalent of start handing out umbrellas in advance of the hurricane.

John.

Q Thanks, Josh. Back to Judge Garland. Earlier, in response to Pam's questions about Judge Garland and the nomination, you spoke of important progress in the nomination. I realize you're an optimist, but realistically, as it relates to the Senate Judiciary Committee and the Republicans on that committee, they remain united in denying Judge Garland a confirmation hearing. Between now and Election Day, what do you see changing that dynamic -- that specific dynamic, in which Republicans on the Judiciary Committee say, we're not going to give him a confirmation hearing?

MR. EARNEST: Well, I can tell you that there are individual members of the committee who have agreed to meet privately with Chief Judge Garland. And again, at the conclusion of those meetings, I think it is only going to ramp up pressure on them to answer a pretty basic question, which is, now that you've been able to hear from him in private, why wouldn't you hear from him in public? And I don't really understand what the answer to that question would be -- unless the answer to that question is, I'm just going to follow Mitch McConnell's order and not do my job.

I don't know that their constituents are going to have a lot of sympathy for that answer, but they can try it. But that's why I continue to be confident that we've got a strong case to make and we're going to continue to make it. And the pressure on Republicans is going to continue to increase. And I know that there are some Republicans who are hoping that by agreeing to these meetings that they would be able to relieve that pressure, but I think they're making the wrong calculation. I think that the pressure will only intensify.

Q Senator Grassley, his meeting yesterday with Judge Garland -- he issued a statement after that meeting, and the statement essentially was one in which he said the meeting was one in which he explained to Judge Garland why he will not be getting a confirmation hearing. And I realize they're meeting with him, but it seems as -- just to the Judiciary Committee where all the action is taking place, where all the necessary action needs to take place to move that confirmation going forward, if they're meeting with Judge Garland just to explain to him why he's not going to get a confirmation hearing, how can you cite that as, as you call it, important progress?

MR. EARNEST: Well, I would say a couple of things about it. I think it's been well documented -- well, let me say first that I'm not going to get into the details of their private conversation. I'm going to respect the desire of those Republican senators to have that private conversation. That certainly is part and parcel of the process and I'm respectful of that part of the process. The case that I'm making is that they should also have those conversations in public. And I'm not at this point going to make those conversations public for them.

I will, however, point out that the meeting with Judge Garland lasted for well over an hour. This is the conversation between Chairman Grassley and Chief Judge Garland. I suspect that they covered more ground on a range of substantive issues beyond just what Chairman Grassley described. And that I think is an indication that it's hard for Chairman Grassley or anybody else to explain why they would have that substantive conversation with Chief Judge Garland in private but not in public.

For the life of me, I -- there's only one explanation, and the only explanation is that if they were to risk having that meeting in public they would risk showing the American public that Chief Judge Garland is entirely deserving and entirely capable of fulfilling his duties on the Supreme Court. That's why they're resisting the meeting.

And that's a tough case to make. And the reason that they're offering that resistance is simply that Mitch McConnell told them to. And again, they're welcome to make that argument. But I don't think that the people across the country -- given what they say in polls about the Republican leadership in the United States Senate -- is going to think that that's a particularly persuasive explanation.

Q Just one last one on this. Do you think, or does the President think that the dynamic changes for Judge Garland if the Democratic nominee -- whoever that is, whether it's Hillary Clinton or Bernie Sanders -- wins in November? Does it change in a positive way for Judge Garland, that it's more likely at that point that he will get a confirmation hearing and will get an up or down vote in the United States Senate?

MR. EARNEST: I think it's hard to say, again, because I don't think that the argument that Republicans are making right now is particularly persuasive and I don't think it's going to be any more or less persuasive after Election Day.

Julie, I'll give you the last one.

Q Josh, some campaign finance activists have been arrested in civil disobedience actions this week, calling for more work on the part of Congress and the White House to get at some of the dark money that's sloshing around the campaign system. Given the President's promise in the State of the Union address to try to fix our politics, has he made any progress in reviewing this executive order that he's been considering for a while now on federal contractors and disclosing their campaign contributions, or any other measures that he thinks are needed to get at this problem? Because we are, as you know, in the middle of a campaign season, so if he intended to do anything, now would probably be the time.

MR. EARNEST: Listen, this is something you've heard the President talk about quite a bit since the State of the Union, including in his speech at Springfield and in some of other public events that he's done. I know that there's been a lot of talk and a lot of news coverage about a potential executive order. I don't really have an update on that process, or whether or not even that process is ongoing.

What I can say is the President has observed on a number of occasions that the most impactful way and the only real way that Congress -- or that we'll see the kind of change in our campaign finance system that we'd like to see is probably through a constitutional amendment; that given the rulings that we've seen from the Supreme Court and barring a change in those rulings, it's difficult to imagine the President doing anything with his executive authority that would have a dramatic impact on the situation.

I think the President has said that while the problem of dark money in our politics is not insignificant, there is more that we could do to combat it than just trying to pass a constitutional amendment. For example, the President has often observed that in the midterm elections in 2014, voter turnout was somewhere around 40 percent. And a much higher turnout would have changed the outcome of the election and would have had the effect of countering so much of the dark money that spilled into our election system in the last election.

So what continues to be true in our country is that we have a system that is structured to give the American people the ultimate power of deciding who will lead their government. And there is an aggressive effort by special interests -- some of whom don't disclose their efforts -- to try to influence the decision-making. But ultimately it is the American people that have the power. But the ability of the American people to wield that power is dependent on their willingness to show up at the polls on Election Day. That's the ultimate factor.

And I think you'll hear the President continue to make a strong case about how important it is for people to engage in a civic debate about our country, how important it is for people to be educated on the issues, how important it is for people to register to vote, and how important it is for people to actually ensure that they show up and cast a vote.

And the President has made that case in a number of settings including describing the position of citizen as the most important office in our government. And the President will continue to make a forceful case in that direction.

Q But he also has a particularly important role in our political system.

MR. EARNEST: Sure.

Q Does he believe he's done everything he can do on this issue using his own authority?

MR. EARNEST: Well, the President has certainly been a vocal advocate of the DISCLOSE Act, which would have some impact of bringing greater transparency to our campaign finance system. The President has certainly advocated -- in some cases, famously, in front of members of the Supreme Court -- for a legal system that is structured to protect the ability of American citizens to make the most important decisions about our government.

But there are limitations to how much the use of his executive authority can impact this situation. There is no denying that. But there is -- the President does have the effect when he speaks publicly of motivating people or stirring people to action, of inspiring

them to be involved and get engaged. And the truth is the President makes this case not just to Democrats, he does to every American.

The President has talked a lot about how he would love to see a more engaged, a more effective Republican Party who is actually committed to governing the country. And that's only going to happen when Republicans start showing up at the polls in greater numbers, too, when people who care about the direction not just of the United States but also the direction of the Republican Party start making their voices heard. So this isn't a particularly partisan case that the President is making. It's a case that's rooted in the belief that when the American people engage in our democracy at higher rates that our democracy functions better. And that's an argument that I anticipate will be made frequently between now and Election Day.

Q May I ask a follow-up question on that, Josh?

MR. EARNEST: Go ahead, John.

Q Okay, thank you very much for that. There is a new group out, Take Back Our Republic, I think is the name. And they agree basically with the President on the dark money. And they have said that a good step toward eliminating it and greater participation is revival of the tax credit for campaign donations. Is that something the President would favor? This group believes it would get more people engaged when they're able to deduct for making small donations in the hundreds and lead to a greater turnout. Has he ever discussed revival of that? It faded out in the 1980s.

MR. EARNEST: Yes, John, I have to admit I haven't heard that idea before, so I'm not aware of any serious discussions around here about it. But it's something we can take a look at.

Thanks, everybody. We'll see you tomorrow.

END

2:30 P.M. EDT