

Daily Press Briefing by the Press Secretary Josh Earnest, 05/16/16

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James S. Brady Press Briefing Room

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MR. EARNEST: Good afternoon, everybody. Hope you all had a wonderful weekend. I do not have any announcements to begin, so we can go straight to questions.

Kathleen, do you want to start?

Q Sure. I'm going to start with the Supreme Court decision or non-decision on the contraceptive agreement. I'm wondering if you view this move as a clear result of the vacancy on the Court, and if you have any thoughts on whether or not you think the Court is intentionally dodging contentious issues at this point.

MR. EARNEST: Well, let me start by saying that we obviously were pleased with the announcement from the Supreme Court today. It will allow millions of women across the country to continue to get the health care coverage that they need. So this obviously is an outcome that we are pleased to see.

Our concerns about the continued vacancy on the Supreme Court persist. In this case, based on, again, the announcement from the Supreme Court, it's not obvious that an additional justice would have yielded a different result, but I haven't heard anybody make the argument that leaving the Supreme Court of the United States short-staffed is somehow good for the country. The argument that we've heard from Republicans is that

they don't want to confirm another of President Obama's nominees to the Supreme Court, and they have made that declaration based solely on partisan reasons. And many Republicans are having a tough time explaining to their constituents why they refuse to do their job simply because the Republican leader in the Senate has requested that they do so.

There are Presidents in both parties that made a strong case for the Senate fulfilling their constitutional duty. And it was President Reagan who observed that a protracted vacancy on the Supreme Court didn't serve the American people well. And President Obama has made exactly the same case.

Q And as for the substance of the issue, are you confident that the administration and these groups can come to some sort of compromise at this point? Do you think there's a compromise to be had?

MR. EARNEST: Well, I think what is true is the administration has put forward an accommodation that ensures that women, nationwide, have access to health care, including contraceptive coverage -- without pay, I might add -- while also protecting religious liberty. And we were pleased to announce this accommodation and to demonstrate that we were committed to both principles.

Now, what's also true is there may be another process that plays out, because ultimately that was the announcement that's been remanded to lower courts. And we'll obviously continue to engage in the process. But we obviously are pleased that the announcement today from the Supreme Court protects the ability of millions of women nationwide to continue to get access to their health care.

Q Okay. And switching topics. On Libya, the announcement out of Vienna that the U.S. is backing the decision to lift the embargo and start arming the government there. I'm wondering if -- obviously this has been a decision that the U.S. was reluctant to make because of the concerns of these weapons falling into wrong hands, so I'm wondering if you could speak to why you're confident now that the government there can control some of these arms at this point.

MR. EARNEST: Well, I think my understanding of the way that this process is working is that Government of National Accord that the international community has come to rally around is now in a position to make a specific request of weapons that they would like to

see provided to forces in Libya that are fighting ISIL and securing the country. And the United Nations will review that request and determine whether or not that is a request that can be agreed to in a way that doesn't exacerbate our concerns that those weapons could fall into the wrong hands.

So this is the beginning of the process, not the end of it. But it is an indication that the international community is coming together in support of the Government of National Accord in Libya that's seeking to bring some long-sought political stability to that country. Libya has encountered some significant challenges.

They had an authoritarian dictator that ruled that country for more than four decades that eroded almost all of the remaining institutions that typically are needed to govern a country. And it means that the Government of National Accord is essentially having to come in from the bottom up and start building the infrastructure of a government to rule a country that's got a significant economy, particularly based on the natural resources that they can sell on the global market, and a populace that has been divided along tribal lines for a long time.

So this is a difficult challenge. And it's important for the international community to come together in support of this Government of National Accord so that the Libyan people can finally have the kind of government that reflects their preferences.

Q But as a sign of -- a vote of confidence in this government, should we expect that then, particularly in the campaign against ISIS, that the U.S. and the coalition will start to be more engaged in Libya? Should we expect more Special Operations or airstrikes, or is this sort of the first step towards an increased involvement in Libya on that front?

MR. EARNEST: Ultimately, our goal would be to build up the capacity of the Government of National Accord so they could begin doing this work of fighting ISIL and securing their own country themselves. That ultimately is the goal, so that the United States and the rest of the international community doesn't have to come in and fight this fight for them.

But, as I mentioned, they are doing some very basic work that -- to sort of build up the institutions of that country. And it's going to require a lot of broader international support in order for them to succeed in that effort.

So the United States has already taken military strikes against ISIL targets in Libya, and when necessary, to take additional strikes to protect the American people, we won't hesitate to do so. So back in November, as a result of a U.S. military airstrike, there was -- the leading ISIL figure in Libya was killed. There was another strike that was carried out earlier this year that removed a number of ISIL fighters from the battlefield. These are fighters who we were concerned were prepared to go out and carry out a large-scale operation.

So we've used -- the President has ordered military action in Libya against ISIL targets in the past, and that continues to be an option. But that is not a substitute for building the capacity of a central government in Libya that can begin to secure that country and begin to take the fight to ISIL in that country.

Tim.

Q Just a quick one on the House invitation for Ben Rhodes to appear tomorrow. There's been suggestions that he may not appear. Could you tell us definitively if he will not appear tomorrow?

MR. EARNEST: Well, Tim, the answers that you heard from me before are still operative here. The truth is, it is Republicans in Congress who criticized the Iran deal, who have got a lot to explain when it comes to saying things about the Iran deal that didn't turn out to be true. And if they want to hold a hearing to determine whether or not Republicans were just wrong and badly misinformed, or if they were purposefully lying to the American people, then they can do that. There obviously would be ample time -- at least they should set aside ample time, because there are any number of witnesses, including individuals who serve on the committee, who could provide some significant insight.

I think what's true is, Tim, that previous administrations have been fairly skeptical of these kinds of efforts, particularly because this isn't a whole lot more than just a three-ring circus that Republicans are looking to organize up there. And so I don't have an answer for you. We're going to continue to review the letter, but I think you can sense the not-so-thinly-veiled skepticism about this whole exercise that I'm displaying here.

Q But to be clear, he's not going?

MR. EARNEST: I don't have a definitive answer for you. I don't have a definitive answer for you. Anything else?

Q Mr. Trump is saying that he's unlikely to have a good relationship with Britain's David Cameron. Does this have any -- does this jeopardize the relationship the United States has with Britain?

MR. EARNEST: Well, again, I'll let the individual presidential candidates express their own views about what they hope to do to strengthen our alliances around the world.

President Obama, obviously, over the course of his tenure in office has invested deeply in our alliances around the world because of the important benefits those alliances bring to the American people, both in terms of economic security but also when it comes to our national security. And the President has invested deeply in the special relationship that the United States and the UK have enjoyed for centuries, and the President certainly believes that that's an alliance that's worthy of an investment.

Q Yesterday at Rutgers, we saw the President criticize policies of a certain Republican, one by one.

MR. EARNEST: You're talking about Jim Inhofe?

Q No, not that one.

MR. EARNEST: Oh, okay. Well, he was the only one that was specifically mentioned in the speech.

Q On Mr. Trump's policies, is this kind of a signal that we're going to see the President open up a little bit more?

MR. EARNEST: Mr. Trump wasn't mentioned in the speech, though, Tim. (Laughter.) Mr. Inhofe was, though.

Q Right. Is it likely we'll see --

MR. EARNEST: I think that what I'm trying to illustrate here is that this is a -- the concerns that President Obama raised were not new but are concerns that extend broadly throughout the Republican Party. The President talked a lot about the continued insistence by Republicans to deny the fact of climate change in the face of overwhelming evidence and already-observed impacts. Republicans continue to deny that this is even taking place, and the President highlighted the example of Senator Inhofe, in the middle of winter, bringing a snowball to the floor of the United States Senate, and suggesting that somehow this confirmed his denial of science. Even years later, it's difficult to explain exactly what he was trying to illustrate.

It's not that difficult, however, to make clear what the President was trying to illustrate, which is that our country has long benefitted from political leaders that are not seeking to deny evidence and facts and science in order to advance a political agenda, but actually to focus on evidence and science and facts to make an argument about improving the country and moving the country forward and living up to the values that we have long fought for.

These are not new arguments that President Obama has made. For example, the President talked about the fact that, "The biggest challenges we face cannot be solved in isolation." I know that many of your colleagues, Tim, suggested that that might have been a shot at one presidential candidate or another. The truth is, that sounds like just a few more words for "yes, we can." And I think what's important for people to understand about the President's speech is these are values that he fought for as a candidate for President and that he has spent the last seven and a half years fighting for in office. This has been his approach to problem-solving. It's been his approach to leading the country. It's been his approach to leading the world. And the country and the world are better off for it.

Q Just one more on the speech yesterday. While he didn't mention Trump's name, he did go after the wall policy and he did go after the temporary ban on Muslims. And I'm curious whether we might hear more from the President on Mr. Trump's treatment of women.

MR. EARNEST: Well, again, Tim, there are a variety of Republican candidates and a variety of Republican officeholders who have suggested that a religious test should be imposed on individuals seeking to enter the United States. And for the reasons that the President outlined in the speech, that is inconsistent with our values and it's inconsistent with a smart strategy to destroy ISIL. So, again, this is not an argument about one presidential candidate; this is an argument about many leaders in a political party that have eschewed evidence because it is inconvenient to the political argument that they want to make.

That's particularly dangerous when you're talking about something like the national security of the United States and the danger that the Republican strategy poses to our efforts to coordinate with Muslims in America and Muslims around the world to fight ISIL. Those are some of our most important partners. And to alienate them is unwise, to put it mildly.

Michelle.

Q Thanks, Josh. You mentioned being satisfied with this ACA decision, the status quo is intact. But isn't this disappointing that it's going back and, at the very least, will probably lead to a compromise that is less than what you originally would have liked to have seen?

MR. EARNEST: No, we were gratified by the ruling today. And this announcement does ensure that millions of women across the country can continue to have access to their health care. And it is a reflection of something that we have long believed, which is that it is possible to prioritize both access to health care for everybody while protecting the religious liberty of every American. That's what we sought to do, and we obviously are pleased that this is something that will continue to remain in effect.

Q Things could change at the lower court level, though. And I mean, in terms of trying to find a compromise, that could morph in a way that you might not agree with, right?

MR. EARNEST: Well, again, I don't know how the process is going to play out so we'll see.

Q Okay. And seeing how this was the result of an evenly divided Court, and looking at how this could have gone another way if the President had a nominee that was accepted prior to this, so do you expect this to just solidify opposition to taking up Garland? And I mean, in a sense, Republicans could see this as the status quo working for them in some ways. Do you feel like that's a possibility?

MR. EARNEST: I have no idea what Republicans will conclude. The truth is, all the Democrats and at least a couple of the Republicans have concluded that Chief Judge Garland, the most experienced Supreme Court nominee in American history when you consider his 19 years of service on the federal bench, is somebody who is deserving of a fair hearing and a yes-or-no vote. It's even Republicans who have described him as a consensus nominee.

And I did take note of something that Leader McConnell said last week that in some ways I think actually makes the case as strongly as anything that I've been able to come up with. Senator McConnell, speaking on the floor of the House of -- or I'm sorry, of the United States Senate -- and this is not something that we had to dig into the archives on and find on C-SPAN from three decades ago but rather something that he said last week. Senator McConnell: "We are going to give the Senate every opportunity to do the basic work of government this year," he said. "Some have said that because it is an election year we can't do much. I would like to remind everyone that we have had a regularly scheduled election in this country every two years since 1788 right on time. I heard some people say we can't do it because we have an election next year, and others have said we can't do whatever it is because we have an election this year. We have elections in this year right on time, and that is not an excuse not to do our work." I think Senator McConnell said it quite well.

Q Okay. Now that we have sort of the fruits, we're seeing this happen now that we only have eight people on the Supreme Court. So how big of a concern is it that we're going to see this happen again and again?

MR. EARNEST: Well, again, I think it is unclear exactly what role the protracted vacancy on the Supreme Court had on this -- the outcome here, in part because the announcement reflected the unanimous view of the justices. Now, would they have been able to cobble together a different agreement if Justice Scalia were still alive and serving on the bench, or if Chief Judge Garland had been confirmed as he should be to the Supreme Court? It's very unclear exactly what the difference would be.

I think what is undeniable, though, is that even Republicans have failed to make any sort of coherent case that the American people are better served by having a vacancy on the Supreme Court. That flies in the face of certainly the argument that President Obama has made. It also flies in the face of the argument that President Reagan has made.

So that's the challenge that we're seeking to overcome. And the truth is I think this is the - this underscores the discomfort, the obvious discomfort, that Republican senators have shown in trying to defend their position. The fact is, there's no good justification for allowing this vacancy to persist. And it is simply a result of Republican senators refusing to do their job, and refusing to do their job at the specific request of Leader McConnell.

So again, I'm not exactly sure exactly what the broader Republican aim is, particularly when you consider the views of most Republican senators about both presidential candidates. But that's something for them to explain.

Q Okay. And speaking of presidential candidates, Bill Clinton as economic czar for Hillary Clinton -- is that a good thing for Democrats?

MR. EARNEST: Well, again, Democrats will have to decide. Ultimately this will factor in, I'm sure, into the decision that some Democrats will have to make in terms of choosing a nominee. I think what I can just say generally is I think those of you who remember -- and I think -- believe at least some of you in here covered the 2012 Democratic convention down in Charlotte -- you may remember a speech that former President Clinton delivered on national television in which he articulated an economic strategy and an economic vision entirely consistent with what President Obama has fought for in his seven and a half years in office.

And I think the results speak for themselves. They certainly spoke volumes in evaluating President Clinton's legacy. They also speak volumes about the progress that we've made in this country over the last seven and a half years of President Obama's tenure in office, even -- again, after all, Leader McConnell himself said it best when he acknowledged that our country was better off -- is better off now than we were when President Obama took office. And a lot of that is because of the economic strategy that President Obama has pursued to grow our economy from the middle out, to be focused on the middle class, to be focused on job creation, and to be focused on the future of our economy that will be critical to our long-term success.

Chris.

Q Josh, in the aftermath of the administration's initiatives last week on transgender rights, one issue that remains is the ban prohibiting transgender people from serving openly in the armed services. Last week, Secretary Carter said the issue was complicated, which was detailed in a Washington Post report over the weekend on agreements on lifting that ban. Shouldn't the White House apply the same standard on the Pentagon for transgender access as it has done for education, health care and bathroom use?

MR. EARNEST: Well, Chris, I think that we have long acknowledged, even on issues that are relevant to the LGBT community, that ensuring the effective implementation of policies at the Department of Defense has higher stakes than it may in other government agencies.

We're talking about our basic national security. And what the Secretary of Defense has concluded -- and the President agrees -- is that qualified American citizens should not be denied an opportunity to serve their country just because of who they are or who they love. Our national security is enhanced when we can draw upon the skills and expertise and patriotism of every American.

And that's part of what motivated Secretary Carter to conduct this review and seek the smooth implementation of a policy that would allow transgender Americans -- again, who meet the relevant qualifications -- to serve our country. But the smooth and effective implementation of this policy is not insignificant. And what Secretary Carter and the other services are conscientiously moving forward to do is to figure out the best way to settle on a policy and implement it effectively and as expeditiously as possible. And that's what they continue to work on.

Q Last week you said that the President was regularly updated on the developments of the joint guidance for schools on transgender students. Is the President receiving the same kind of updates with regards to the military service guidance?

MR. EARNEST: Well, the President does have a regular opportunity to meet with the Secretary of Defense in the Oval Office when they both happen to be in town. It happens once or twice a week -- I'm sorry -- once a week or once every two weeks. And the President is updated on a range of issues that Secretary Carter is focused on. I'm not

going to read out the details of every conversation that they have, but it's fair for you to assume that in those conversations the President is kept apprized as necessary of the progress of this review.

Q One such meeting is going to take place this afternoon, according to the President's schedule. Will the President, during this meeting, call on the Secretary to move forward with the conclusion of this review?

MR. EARNEST: No, the President -- again, I'm not going to walk through the agenda for their meeting, but the President continues to have confidence that the Department of Defense is handling this review as conscientiously as they should.

Olivier.

Q Josh, is the President proud of his Syria policy?

MR. EARNEST: Well, Olivier, I think the President is certainly pleased that the Syria policy that he has put forward -- and he's confident that the Syria policy that he has put forward and pursued has advanced the national security interest of the United States. What is also true is that we've seen terrible violence in Syria; it's an awful humanitarian situation and it's a genuine human tragedy. And it's a dangerous place and it's a place that poses a heightened risk to the United States and to our allies and interests around the world.

That's why the President and his team have spent so much time focused on how to confront that risk, how to counter that risk, and how to work with the international community to ultimately destroy ISIL. But there is no denying that what has happened in Syria has changed millions of lives, and not for the better. And that's a testament to the failed political leadership of Bashar al-Assad. It's a testament to the way that the political chaos in that country has propagated so much violence, not just in Syria but throughout the region. And people fleeing that violence have gone to far-flung countries around the world in a way that has been genuinely destabilizing to some of the countries where they've sought refuge.

So the long-term consequences of what's been happening in Syria are serious, but the President does believe that the way that he has handled this situation is entirely consistent with our national security interest.

Q So when Ben Rhodes tells Syria activists we are not proud of our Syria policy -- is that a fair characterization of how the White House views its own policy?

MR. EARNEST: Well, Olivier, again, I can't speak to any of that conversation. I wasn't there for that conversation, so I don't really know the context in which it came up. But I think the description that I have just put forward of the situation in Syria and the way that the President has focused on our interests in that situation are consistent with the way that Ben views that situation.

Q And at the risk of giving everybody whiplash, in the GQ interview, the President was asked, "Have you ever said, give me the JFK assassination files, I want to read them, give me all the secret stuff," and the President says, "I got to tell you, it's a little disappointing. People always ask me about Roswell and the aliens and UFOs, and it turns out the stuff going on that's top secret isn't nearly as exciting as you'd expect." Why not make it public?

MR. EARNEST: Well, I haven't looked at the documents, so it's unclear to me exactly what the equities might be. So maybe at the next news conference you can have the opportunity to ask the President that yourself -- which would be interesting. (Laughter.)

Byron.

Q Josh, Reuters is reporting that the U.S. is planning to make some changes in boosting investment and trade in its sanctions regime against Burma -- Myanmar. Can you explain what those changes might be and why they're being implemented?

MR. EARNEST: I don't have any announcements about our sanctions against Burma at this point. Obviously those are maintained by the Treasury Department. But we'll keep you posted if we have any changes to announce.

Ron.

Q Judge Garland's schedule this week -- can you give us some detail?

MR. EARNEST: Judge Garland -- Chief Judge Garland is heading back up to Capitol Hill where he'll have a series of meetings this week. He'll be meeting tomorrow with Senator Jack Reed of Rhode Island. On Wednesday, he'll have a meeting with Senator Hirono of Hawaii and Senator Udall and Senator Murphy. And on Thursday, he'll meet with Senators Merkley and Heinrich. So that is another six senators -- all Democrats this week.

Q No Republicans?

MR. EARNEST: At this point, no, I'm not aware of any meetings that he has coming up with Republicans this week.

Q Has there been any response to the questionnaire that was handed in last week?

MR. EARNEST: Well, we did make note of the fact that this is a question that was a questionnaire that was accepted by Republicans and I believe posted on the committee website. So I think it's an indication that at least the American public now has access to even more evidence to illustrate why the President has chosen Chief Judge Garland to assume the important responsibility of serving a lifetime appointment to the Supreme Court.

Q We have a team that's been doing some reporting about the number of Americans who are involved in ISIS, trying to join, being recruited, so on and so forth. I'm wondering, how big a problem does the administration see this as -- Americans -- I think the number is about 250 -- who have tried to join. There are a few dozen who have made it to Iraq and Syria. How serious is that part of the problem?

MR. EARNEST: Well, Ron, when we've talked about our counter-ISIL strategy, we've talked a lot about the military aspect of that strategy, particularly as it's focused on taking ISIL targets in Iraq and in Syria off the battlefield. And that obviously is an important

priority.

But another key priority in which the administration has deeply invested is countering violent extremism and countering the efforts of ISIL to radicalize vulnerable populations around the world, including inside the United States. And we've worked diligently with community leaders across the country, include in the Muslim community, to counter the strategy that we know ISIL has, which is to recruit people from around the world to do one of two things -- to either carry out attacks where they are or travel to Iraq and Syria and take up arms in that region of the world.

So this is an issue that we take quite seriously. The good news is that when you consider the success that ISIL has had thus far in radicalizing Americans to their cause, that the percentage of people -- based on the sizeable population of the United States -- is much lower than it has been in other countries. But that's not a coincidence. That's a product of hard work, and we remain vigilant in countering those efforts because we understand the potential negative consequences of failing in that effort.

Q I understand there are investigations going on in just about every state. Does that sound about right?

MR. EARNEST: Well, I wouldn't have anything to say about any ongoing investigations. You can always check with the FBI about that.

Q And have you been able to develop a sense of who are the most -- is there a group, a region, a category of people who you think are most vulnerable to this? And is there any more specifics about what you're doing, or what law enforcement is doing, or what anyone is doing, for that matter, to try and combat this particular -- is the phenomenon getting smaller, bigger? Just trying to get a bit more about just how big a problem this is.

MR. EARNEST: Well, Ron, I think as even your network's reporting shows that there's -- the people from all walks of life are potentially vulnerable to this kind of radicalization; that it's not focused on just one region of the country or on one specific community. And in some ways, that's what makes them so dangerous. This is a pretty amorphous effort that they have undertaken. Obviously they are able to use social media to interact with the world and that poses some significant challenges.

Our countering violent extremism efforts are actually based over at the Department of Homeland Security, and they are focused on understanding the way that ISIL has used social media in particular to try to recruit people. We have worked hard to lift up the voices in the Muslim community that can effectively counter the radical ideology that's being propagated by ISIL extremists. But we can certainly get you a more comprehensive rundown from the Department of Homeland Security about what they've done to counter these efforts.

Margaret.

Q I wanted to ask you about a development out of the Treasury Department today that certainly had some coordination with the White House in one of the implications for White House policy. The Treasury Department had disclosed that Saudi Arabia now holds \$116 billion in U.S. debt. And I'm wondering, is it now going to be going forward -- the government's policy to release the Saudi data rather than keep it secret, as it had been for a few decades? And do you have a handle on whether that is the full extent of Saudi Arabia's treasury holdings? There had been a New York Times report that there was something like \$750 billion in play that the Saudis were going to pull back if that bill went forward. Part three of my one-subject question is what's the state of play now with that legislation? Are you working actively to try to head this bill off? Is there actually a veto threat out there now? What's the state of that?

MR. EARNEST: Well, for the technical aspects of the report from Treasury in terms of what their disclosure schedule is moving forward, I'd encourage you to check with them.

Q But that's a shift in policy. I mean, you --

MR. EARNEST: Well, I think the Department of Treasury has indicated that that was the case. And those of you who follow these reports closely noticed the difference. So I'm not suggesting that somehow that there hasn't been a change in policy, but for how that policy will be implemented moving forward I encourage you to check with the Treasury Department.

I haven't seen the latest legislative proposal from Congress as it relates to Saudi Arabia, but obviously the concerns that we have with the way that it was written when it was presented last month are still significant and I know that there has been some talk on

Capitol Hill about potentially revising that legislation, but I don't know where that effort stands at this point.

Q Can you speak to the question of whether that \$116 billion is comprehensive, or are you referring that to Treasury?

MR. EARNEST: I encourage you to check with Treasury on that as well.

Q Can I toss out a Vietnam question?

MR. EARNEST: Sure.

Q Can you talk a little bit from the podium about how the President wants to mark the legacy of the Vietnam War when he goes and about this idea of him being at war longer than any other U.S. President -- largely because of issues that he inherited -- how he will address that broader topic in Vietnam particularly --

MR. EARNEST: Well, last week, the President's National Security Advisor had an opportunity to meet with Vietnam War-era veterans and veterans service organizations to talk about the President's trip. And it's impossible for any American President to go to Vietnam without acknowledging the history between our two countries.

The truth is, there's a whole generation of Americans that proudly served this country in Vietnam. And I think the mistake that most Americans if not all Americans acknowledge that was made in this country at that time is that there was a tendency to allow political concerns with American foreign policy to interfere with showing respect and gratitude to fellow Americans who had put themselves in great peril to serve the country.

And I think this President, like many Americans, is determined to make sure that that never happens again. And so I think you can anticipate that on his trip, the President will acknowledge that history but will do so with the courageous service of hundreds of thousands of patriotic Americans in mind.

Andrew.

Q Josh, do you have a reaction to the Venezuelan President Nicolas Maduro's declaration of a state of emergency?

MR. EARNEST: I didn't see that announcement from President Maduro. Obviously the reporting, particularly just over the last couple of days about the situation in Venezuela is breathtaking. The conditions for the Venezuelan population are terrible. And obviously we continue to be quite concerned about the wellbeing of the people of Venezuela. And we stand with the international community in expressing that concern. But the solution to these challenges will require the inclusion of all interested parties. And now is the time for leaders to listen to diverse Venezuelan voices and work together peacefully to try to find solutions.

And the failure to do that only puts hundreds of thousands if not millions of Venezuelans at risk of further suffering.

April.

Q Josh, I want to ask a couple of questions on two different subjects. One, ACA. With the months that you have remaining here at the White House, what are the lessons learned when it comes to ACA? I mean, you had the ruling today and then also last week you had another one about subsidizing insurance or subsidizing co-pays for some of the people who wanted it. So what are some of the lessons learned?

MR. EARNEST: Well, I think certainly one of the lessons that we've seen from Republican critics of the bill is that they're going to stop at nothing to try to tear this bill down. But I continue to be confident that they're going to continue to fail. And as it relates to the district court ruling that we saw last week, it's unfortunate that Republicans have even resorted to getting taxpayers to foot the bill for their political efforts. That's disappointing and I don't think even some Americans who might be skeptical of the impact of the Affordable Care Act I don't think would appreciate that their taxpayer funds are being used in this way.

So we continue to have a lot of confidence in the power of the legal arguments that we've been making for some time. I think at this point the Justice Department has built up a pretty effective track record for our success in protecting the Affordable Care Act so that millions of Americans can get access to the health care that they've long been denied. That's a legacy that President Obama is quite proud of.

Q So the President himself -- early on, critics were saying things needed to change, and the President said he welcomed ideas about how to tweak it. Looking back, what are some of the areas beyond the Supreme Court issues -- or maybe even with the Supreme Court rulings -- that you would tweak in these waning months? And also, is there a fear that once this administration is over, number 45 comes in, that things could be different for ACA?

MR. EARNEST: Well, at this point, we're quite proud of the record of the ACA. Every single month since President Obama signed that bill into law, our economy has created private-sector jobs. That's a pretty good track record, particularly when you consider that Republicans, even six years later, try to describe that bill as a job-killer. At some point, somebody is going to call them out for, again, either being wrong or lying. But there will be ample time for that, as well.

The legacy of the Affordable Care Act is 20 million more people now have access to health care that didn't before, thanks to the Affordable Care Act. The growth in health care costs is lower than it's ever been in the history of tracking that measurement; that's more than 50 years now.

So we've made a lot of important -- to say nothing of the benefits that millions of Americans who had health insurance before the Affordable Care Act now enjoy because of the patient protections that are included in that legislation. No one in America can be discriminated against because they have a preexisting condition. Every child, every young adult in America is eligible to stay on their parents' health insurance until they turn 26 because of the Affordable Care Act.

A whole range of preventative services are now available to Americans for free because of the Affordable Care Act. That's quite a legacy. And that includes millions of Americans that think that they're unaffected by the Affordable Care Act because they haven't had to go and purchase insurance through the exchanges, but yet they benefit in ways that have a profound impact on their family's budget and on their health.

So this is a piece of legislation that the President remains intensely proud of. And the legacy of this legislation is a stronger economy and a country full of citizens whose health prospects are enhanced because of this bill.

Q And with that issue of high deductibles for some of these insured -- is that anything that could be tweaked or looked at or viewed through a microscope? Because some people have complained about higher deductibles through this process.

MR. EARNEST: Again, April, this is an argument that we've been making for six years. The health insurance market is a lot better for private citizens now than it was before the Affordable Care Act. That's just a fact. And I know that's a fact that Republicans like to deny, but it's the truth.

Q And my last question. There's this increased interest in Roswell. You're doing your dance at the podium about it. Is there a such thing? Are you -- look at you, you're drinking so you're trying to think. (Laughter.) Is there a such thing -- are you keeping quiet because of security concerns? I mean, are we to think that there might be life beyond here? I mean -- seriously. I mean, you need to answer this.

MR. EARNEST: I'll just say, April, there are some questions that even the White House Press Secretary doesn't have answers to, and this is one of them.

Q You're not going to get off easy like that.

MR. EARNEST: Okay. Well, you keep trying.

Kevin.

Q Thanks, Josh. I want to follow up on the question about Ben Rhodes and the possibility of making him available for Congressman Chaffetz. To just clarify, if nothing else, is it your opinion that his appearance would be, if nothing else, instructive, if not enlightening?

MR. EARNEST: Well, we have all of the available evidence that's necessary to evaluate who was telling the truth on the Iran deal and who wasn't. There are members of the committee who are not telling the truth on the Iran deal.

So again, if they want to hold a hearing, and they think it would be useful to get to the bottom of why they were so wrong about the Iran deal, then they're welcome to do that. They can start by swearing in Ken Buck, Congressman from Colorado, I believe.

Q You mentioned Tom Cotton, and he's going to do it.

MR. EARNEST: Well, yes, he's going to have a lot to say. I think he's going to get some pretty tough questions about all the things that he said about the Iran deal that didn't turn out to be true.

Q Absolutely.

MR. EARNEST: Everything that Ben Rhodes said about the Iran deal did turn out to be true.

Q So then wouldn't it be at least instructive, if not enlightening, to have him go ahead and testify?

MR. EARNEST: So you think that it's going to be a fair deal for people who lied about the Iran deal to question the people who told the truth? I don't think that's a very American approach to these kinds of things.

Q But I thought you suggested on Thursday that it would be a good idea to get to the bottom of it, and I'm suggesting that I think, based on what you've reported -- and I've heard you talk about this at length in some detail -- it would seem to help to get to the bottom of it if Ben Rhodes were part of the conversation. Would you agree?

MR. EARNEST: Again, Ben Rhodes is the person who told the truth about the Iran deal, and it's Republicans who are either badly misinformed or outright lying about the Iran deal. And so if they want to explore that, they are welcome to do that. I don't really understand why getting to the bottom of who lied about the Iran deal requires somebody who told the truth about the Iran deal to participate. Let's just swear the liars under oath and let's see what they have to say for themselves. Maybe they can explain why they were so wrong about Iran's willingness to live up to the commitments that they made in the context of the Iran deal. Maybe they can explain why they said that Iran would never agree to the Iran deal in the first place, even though they did. Maybe they can explain why our international inspectors have been able to verify Iran's compliance with the deal. Maybe they can explain why they said Iran, in the case of Steve Scalise, would get hundreds of billions of dollars in sanctions relief as a result of the Iran deal.

They've been wrong on just about every measure. So if they want to talk about that, and they want to come clean to the American people about what was going on when they weren't telling the truth about the Iran deal, then they're welcome to do that. I don't think that the person who told the truth about the Iran deal needs to be a part of it.

Q Just a quick clarification. You're not suggesting that Senator Cotton should lie, right?

MR. EARNEST: I am suggesting that what he said about the Iran deal did not turn out to be true. And so was he wildly misinformed, or was he not telling the truth? Maybe he'll answer the committee.

Q You think it's the latter --

MR. EARNEST: I don't know. I don't know. But the fact is he, time and time again, presented a wide range of information about the Iran deal that wasn't true. And that's not just a conjecture, that's something that we know as a fact. I'm just looking for the actual quotes here, because I don't want to -- I want to make sure we get this right.

He said -- this is Senator Tom Cotton on Meet the Press. So there's television footage of all of this. He said that "This deal gives them \$150 billion of sanctions relief." Not true. He was wrong about that. He said "It puts them on the path to be a nuclear-weapon state in eight to 10 years." Not true. In fact, we will be able to verify over the course of the next

10 years and beyond that they are not advancing toward a nuclear weapon. And because this deal went through, they are farther away from having access to a nuclear weapon than they've been in about eight to 10 years.

Q I understand. I'm not trying to re-litigate the conversation. I'm just wondering if there would be more clarity if a guy of Ben Rhodes's information and knowledge -- intimate knowledge of the details, if that wouldn't be helpful. And if it would be, why not make him available?

MR. EARNEST: Well, I guess part of the reason is that there are administration officials who, on countless occasions, have traveled up to Capitol Hill to participate in hearings about the Iran deal. There have been literally dozens of congressional engagements about the Iran deal since January of 2015. The most recent example of this -- you have actually the person who's in charge of implementing the Iran deal under Secretary of State Tom Shannon, who appeared before the Senate Foreign Relations Committee, and he appeared there solely to discuss Iran and the Iran deal.

And, in fact, the House Foreign Affairs Committee held an open hearing with the coordinator from the Department of State on this question back in February. I guess my point is -- and I guess the other metric here that I think is relevant is that the administration has provided classified briefings or appeared at open hearings to discuss the Iran deal more than 30 times in just the last 18 months. So if it were a matter of just one hearing that would convince Republicans to stop lying or to at least start telling the truth when it comes to the Iran deal, then presumably that would have happened in one of the first 30 or so meetings that we had with them. I'm not sure the 31st hearing in 18 months is going to get them to straighten up and act right.

Q Last one. Can you give me an accurate number of detainees at Gitmo? I've asked you I think once a week for the last five weeks, and previously you were super specific -- you said there were 98, or 104. But lately you've been sort of kicking the can a bit, saying, I'm not sure, I'll get back to you. No one has gotten back to me. Can you give me a specific number of detainees? And if you have any announcements about potential transfers that are --

MR. EARNEST: Somebody will get back to you today, I assure you of that. I'm not really sure why that hasn't happened.

Q Thank you.

Q -- those numbers are surprising --

MR. EARNEST: I will. It's not a surprising number. And I think that's the other part of this. Every time there's a transfer we announce it publicly. So if there's a change to that number since the last time that we spoke, that's something that you would have seen because we do make an affirmative public announcement every time that that happens.

But I will make sure somebody follows up with you today to give you the specific remaining count.

Bill.

Q The chair of the House Appropriations Committee has introduced a bill for \$622 million to fund Zika. It's all out of existing money and it comes with the statement again that the administration has failed to answer -- repeatedly failed to answer questions about where and how the money would be spent. Is it enough money? And are there questions you haven't answered?

MR. EARNEST: Well, not that I'm aware of, because I do continue -- while sometimes I don't have the Gitmo guidance that Kevin is looking for, I have made a habit of bringing this with me. This is the letter that was sent by the White House to congressional leaders on February 22nd, detailing exactly how our \$1.9 billion appropriations request should be used to protect the American people from the Zika virus.

Here we are, almost three months later, and we hear that some House Republicans have gotten around to considering a piece of legislation that is only about a third of what our public health professionals say is necessary to do everything possible to protect the American people.

Q Well, there's been some money spent already, right?

MR. EARNEST: Well, again, not because Congress did anything. There have been some funds that have been reprogrammed by the Centers for Disease Control and a couple of other health care-related agencies that have been devoted to this effort. But that is essentially the bureaucratic equivalent of digging through the sofa cushions to try to come up with the necessary money. So the truth is our public health professionals shouldn't be reduced to doing that when it comes to something as critically important as protecting the American people from the Zika virus.

I mean, the thing that I will say is that at some point this summer -- and we're probably not that far off from it -- there's going to be widespread public reporting about the threat of the Zika virus, and there will be questions, I'm confident, in this room by all of you, wondering why the federal government didn't more effectively plan to protect the American people from the Zika virus. And my answer then will be, we've been trying. The President held a meeting on this back in January. The President made clear the first week in February that we were going to have a specific request for funding. The administration put forward that specific request just a couple of weeks later in the form of the letter that I just held up. And we've not seen Republicans act.

And I don't really know what the explanation is for that. I wasn't really aware of the fact that there was a partisan difference about the need to protect the American people from Zika virus.

Q The chairman is saying you still haven't provided full accounting of justification for the request. And given the lack of complete information, independent determinations on necessary funding levels have not been made. Any future funding now has to wait, he says, until the fiscal year 2017.

MR. EARNEST: Well, again, I don't think that's going to be a satisfactory explanation to the American people when they see that pregnant women and babies across this country are at extreme risk because of the Zika virus. The truth is our public health professionals have had many conversations with members of Congress about what exactly is needed. There are countless letters that have gone back and forth, including the first one that I just held up from February 22, 2016. So if there was something in that February 22nd letter that Republicans in Congress didn't understand, why didn't they pick up the phone on February 23rd and ask about it? Waiting a day to deal with an emergency situation seems like -- I guess it's a legitimate question.

But here we are, three months later, and Republicans are making bureaucratic excuses about why they are not dealing with what our public health professionals say is a genuine emergency. And here's the thing. It's not just scientists and it's not just Democrats at the White House who have raised these concerns. I began my briefing one day last week by reading a letter from the bipartisan group of governors all across the country who are deeply concerned by congressional inaction and Republican obstruction to needed Zika virus funding. And we haven't gotten it, and the American people I think are rightly concerned about it.

Look, is it going to require the onset of that emergency before Republicans act? I sure hope not, but that's the direction it seems to be trending.

Juliet.

Q Josh, in terms of the nationwide guidance on transgender students that the administration put out last week, you and others have described it as a response to school administrators on the state and local level who were asking for clarification. And I assume there was some consultation with those officials. I was interested into what extent the administration, the Education and the Justice Departments consulted with top state elected officials in forming that guidance, whether anything was done on that front.

MR. EARNEST: I think I'd refer you, actually, to my colleagues in the Department of Education and they can talk about the sense of outreach that they did to develop this policy guidance.

Again, the thing that I would just point you to is that the way that we can tell there was extensive outreach is that the guidance that was produced included essentially case studies of the way schools all across the country have dealt with this particular challenge. So those ideas didn't just materialize, they were a result from intensive consultations by the Department of Education to educators and community leaders all across the country.

But for the details of those conversations, I'd refer you to the Department of Education. Maybe they can provide you some more information about who exactly they consulted.

Jordan.

Q The President has now been at war longer than any U.S. President in history. Does the President or the White House have any reaction to that unexpected element of his legacy?

MR. EARNEST: Well, again, I'm not sure I would describe it as unexpected. I think those who listen carefully to the President's arguments as a candidate for President understood that he believed that the United States had been distracted by the 2003 invasion of Iraq and had not been sufficiently focused on going after al Qaeda. And that's why President Obama ramped up the commitment that the United States made to decimating core al Qaeda in Afghanistan and Pakistan. And that was a mission that was carried out under very difficult circumstances by courageous members of our armed forces. And they succeeded in decimating core al Qaeda in that region of the world.

But what we also knew was likely to happen is that the threat from al Qaeda elements around the world was likely to be more diffuse. And we do continue to be concerned about dangerous al Qaeda elements in other countries. The dangers that they pose is different than the danger that was posed by core al Qaeda, but they are dangerous nonetheless. And the President has been vigilant about countering those extremist organizations, ordering the military to take action against them -- to take military action against them, all in the name of trying to protect the American people.

And the success that our country has had in fighting core al Qaeda and in protecting the American people and in intensifying our ability to work with our allies around the world to do that is an important part of President Obama's legacy.

Julie.

Q Thanks. I just want to follow up on Juliet's question about the transgender guidance, as well. You said last week that this was not a direct response to what happened in North Carolina and the legislation there. Can you talk about whether you think that influenced the process at all? In other words, were you hearing from more educators, more folks who had been following this issue because of the public debate over that law, and some of your own Cabinet members were actually coming out and saying that there was a risk of North Carolina endangering its own funding?

MR. EARNEST: Well, there's no denying that the scrutiny around this issue was increased dramatically after states like North Carolina took the steps that they took. I know that there was a referendum that was considered by voters in the city of Houston, I believe last fall, around a similar question. So there's no denying that in the last several months there has been increased public awareness of dealing with this issue.

So what precise impact that had on the process, again, I think I'd refer you to the Department of Education, because ultimately they were the ones who were formulating this policy guidance and they were on the receiving end of people seeking the guidance.

But I'll just go back to where I started, which is that there's no denying that there has been a significant uptick in public consideration of these kinds of questions, and that included a broader public consideration of what kinds of policy responses were available to school administrators and local elected officials.

So that is a challenge that many of those school administrators are dealing with across the country, and the desire on the part of the Department of Education was to empower those school administrators with more information and more good ideas about what steps they can take to protect the safety and dignity of every student at their school. That ultimately is the goal of administrators who are seeking to nurture an inclusive environment where their students can learn and get the best possible education. And the Department of Education is obviously fully supportive of that goal, and that's what motivated them to share this guidance last week.

Q To your knowledge, there wasn't any effort by the White House to say, we know this policy was under consideration, now it's time to move forward with it? Because there have been activists who have been asking for this for quite a long time.

MR. EARNEST: There have been. But, look, this is a policy process that was the responsibility of the Department of Education. They obviously had to work closely with the Department of Justice because there were important legal questions that were raised. And as you'd expect, the White House was not just aware of these policy deliberations, but in the loop as decisions were being made to ensure that the guidance reflected the President's values and the President's preferences.

Q You're obviously aware that this issue has created a lot of discussion around the country. Over the weekend, you heard some praise for the administration; you heard a lot of outrage as well. Is the White House concerned that you've given the Republican base a campaign issue here?

MR. EARNEST: I'm not surprised to hear -- or I was not surprised to see that there were Republican politicians who were seeking to use this as a political tool. And I think this goes to the core not just of what we were talking about in this room on Friday, but it goes in part to what the President was talking about in his commencement address at Rutgers on Sunday, and that is simply this: People who serve in government have a responsibility to look out for the best interests of the American people and to ensure that our values are reflected in the way the country is governed. And too often, there's a tendency on the part of politicians to cynically use these kinds of decisions to score political points and to slice and dice the electorate. And that's unfortunate.

The truth is school administrators across the country are dealing with an actual dilemma that has consequences for the safety and dignity of every student at their school. So when the response from politicians is just to use rhetoric that's aimed at scoring political points, that doesn't protect any students' safety or dignity. What those school administrators need is practical advice. They need the legal interpretations. They need good ideas that have been used by school administrators around the country to address this challenge. And that's exactly what was provided by the Department of Education, and they did that in spite of the cynical political gamesmanship of a lot of Republican politicians across the country.

Q You mentioned the issue of safety. Can you explain why the administration moved relatively quickly on this issue, which carries the potential loss of federal funding, when, in contrast, on the issue of sanctuary cities, the administration, for eight years, has not threatened to take away a city's federal funding for harboring dangerous illegal immigrants?

MR. EARNEST: Well, again, I think, as -- again, as we pointed out and discussed on Friday, there were requests for this kind of guidance that had been coming to the Department of Education for more than a year. And so I think that there were many school administrators who had been waiting a long time and urging the Department of Education to provide this guidance. I think they would have liked to have seen it arrive even more quickly than it did.

Look, it's hard to keep track of the various proposals around sanctuary cities that have been put forward by Republicans. But the truth is, and the irony about this, is that it's Republicans who blocked comprehensive immigration reform legislation. So it's a little rich for Republicans to block the solution and then blame the President for not punishing cities who are dealing with the problem.

So, again, I think that actually is maybe even a better example of Republicans eschewing common-sense solutions because it might interfere with their ability to deliver a persuasive political message. And again, I think that's relevant to a lot of what the President had to talk about in Rutgers yesterday.

Q Groups of people like the Little Sisters of the Poor are saying that the return of the case to the 11th Circuit Court from the Supreme Court actually strikes down several of the key decisions it had made that hurt their case, and there isn't really precedent for the Supreme Court to do such a thing. So how can you say that you're gratified by the ruling?

MR. EARNEST: The announcement from the Supreme Court today ensures that millions of American women all across the country will continue to enjoy the health care coverage that they have sought. And we're pleased about that because we care about making sure that women have access to the health care that they want.

We also care about making sure that we're protecting the religious liberty of all Americans. And we believe that's exactly the appropriate balance that our policy has struck. And we were pleased to see that the Supreme Court didn't strike that down. And that has preserved women's access to health care and it's preserved the protections for religious liberty that this administration has prioritized.

Q Women's groups are saying that now they have to wait. So the decision isn't really final. Now they're going to have to wait for more -- for that health care.

MR. EARNEST: I acknowledge that, but while we're waiting, millions of American women all across the country will continue to enjoy the access to the health care that they and their doctors determine that they need.

Q And lastly, the federal judge declared that the Obama administration was unconstitutionally spending money to subsidize health insurers without obtaining an appropriation from Congress. Then hospital insurer stocks dropped -- the unanticipated costs of providing health care to customers on the states online exchange has prompted large insurers to seek rate increases. United Healthcare pulled out of Maryland. So wouldn't you say there's a negative trend happening with the law?

MR. EARNEST: No. I think that the positive trends are undeniable. Every single month since President Obama signed that bill into law, our economy has created private sector jobs. That happens to be the longest streak of private sector job growth in American history.

We've seen 20 million more Americans get access to health care because of the Affordable Care Act. No longer can a single American be discriminated against because they have a preexisting condition because of the Affordable Care Act. Every young adult up through age 25 is able to stay on their parents' health insurance because of the Affordable Care Act. Women can't be discriminated against just because they're women because of the Affordable Care Act. And millions of people across the country have access to a health insurance market that forces insurance companies to compete for their business, and that has led to better health care available at better costs for people who don't get their health insurance through their employer.

All of these are important positive benefits that are a direct result and part of the design of the Affordable Care Act.

The last statistic I'll share in some ways is the most important one, that we've actually seen the growth in health care costs held to the lowest level on record because of the Affordable Care Act. And keeping those costs -- or that growth in costs low has a positive impact on our economy, has a positive impact on the bottom line of businesses large and small.

It has a positive impact on the deficit -- all things that are important to this economy.

And that's part of why the President made this issue a priority -- not just because of the moral question about whether or not having access to health care is a right. The President believes that it is, that every American is entitled to access to quality health care, but also because resolving this problem in the right way can be good for our economy and yield important economic benefits.

And after six years, it's undeniable that that's been the case. And that hasn't stopped -- as I mentioned earlier, that hasn't stopped Republicans from resorting to all sorts of wild strategies to try to undermine the bill.

I suspect the reason they're trying to undermine the bill is because they all opposed it. So it's a pretty cynical view on their -- a pretty cynical tactic on their part to try to undermine a bill that they opposed. Maybe that helps them justify why they opposed it, is if they can find a way to tear that law down and say, see, we told you it wouldn't work.

But the truth is they've been unsuccessful in that effort. There have been previous occasions where people have gotten excited and hope that, oh, well, maybe this will finally be the legal death blow to the Affordable Care Act. They've been wrong every single time. And as it relates to this specific case, I'm confident they're going to be wrong again.

Sarah, I'll give you the last one.

Q Thanks, Josh. At the beginning, you suggested that the press too narrowly interpreted the President's comments yesterday in hearing them as being about Trump. You said they're about the Republicans more generally. At the same time, we've seen a lot of coverage kind of suggesting a lot of ways that Trump doesn't fit with GOP orthodoxy. So could you just articulate kind of the key areas where the White House sees Trump and the GOP as being in lockstep?

MR. EARNEST: Well, I'll let you guys talk about Mr. Trump's campaign. We're going to be focused on what the President believes is important for the American people to consider as they head to the ballot box in November. And the President's opportunity to make that case in public will become more frequent when we actually are in the general election stage of the campaign. We're getting close to that, but we're not there yet.

But the President will have an ample opportunity to weigh in and make his case that the President who succeeds him is a President who is committed to building on all of the success that we've enjoyed over the last seven years.

Q Trump is the presumptive GOP nominee at this point. Why not use his name? And once he really -- assuming he does ultimately, officially have that title of nominee, will we hear the President speak about him by name, or in a more specific way?

MR. EARNEST: Well, as you pointed out, the President has on occasion spoken directly about his candidacy or some of his statements on the stump. And I suspect the President will do that again in the future.

But just in terms of people trying to understand exactly the message that the President was delivering to the Class of 2016 at Rutgers, it's important for them to understand the broader argument that the President was making. This is central to not just his presidency over the last seven years, but also central to the promise of his candidacy back in 2007 and 2008.

And I think there's a remarkable consistency to the President's advocacy for these kinds of issues and a remarkable consistency to the President's arguments. And I think it's important for that not to be lost in the swirl of the ongoing presidential campaign.

Q Last question. There's been consistent discussion among Republicans down ballot about whether they should or could run against Trump or distance themselves from Trump. The way the Republican Party is right now, can people down ballot, or especially in the Senate do that authentically?

MR. EARNEST: Well, I guess I would just note the difficulty that many candidates have encountered in trying to do that. I know at least one candidate tried to draw a distinction between supporting a candidate and endorsing a candidate. If that's the best they're going to be able to do, then I wish them luck.

Thanks, everybody.

END

2:23 P.M. EDT