

Press Briefing by Press Secretary Jen Psaki, January 27, 2022

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January 27, 2022

Briefing Room

• Press Briefings

James S. Brady Press Briefing Room

1:50 P.M. EST

MS. PSAKI: Hi, everyone. Okay, just a couple of items for all you at the top.

This morning, we saw proof of the strength of President Biden's economy, with GDP figures showing our economy grew 5.7 percent last year. That's the fastest year of economic growth in nearly four decades and the first time in 20 years that we grew faster than China.

This is a direct result of the President's economic strategy. We're creating good jobs for Americans, rebuilding our manufacturing, and strengthening our supply chains here at home to help make our companies more competitive.

And we're rebuilding an American economy for the 21st century. Companies are investing in new manufacturing lines and factories here in the United States, with recent announcements of Intel in Ohio and GM in Michigan. We're making the future in America again.

The President is going to Pittsburgh tomorrow. Some of you, I'm sure, will be joining him on that trip. And he'll be talking about how far we've come in getting our economy moving again, making more right here in America, and ensuring all workers benefit.

And he'll highlight the 367,000 manufacturing jobs that our economy has created since he took office, and he'll underscore the vital role the federal government can play in bringing workers and businesses together.

And the President is going to call — call in Pittsburgh for — call — sorry, he's going to visit Pittsburgh. While he's visiting Pittsburgh, he's going to talk about our continued plans to out-innovate, out-build, and outcompete the world with the sort of competitiveness legislation that he has long championed.

Of course, we love charts, as you know here. So this is just a chart to show you all the direction of economic growth, which, of course, it is moving in the right direction.

I also wanted to note that since November 1st, 14.5 million Americans have signed up for quality, affordable healthcare, including more than 10 million who enrolled through HealthCare.gov — the highest numbers ever produced in an open enrollment period.

This is in large part thanks to the American Rescue Plan, which did more to lower costs and expand access to healthcare than any action since the passage of the Affordable Care Act. And everyone has until January 31st to sign up for additional coverage.

With that, Darlene, why don't you kick us off?

Q Thank you, Jen. A couple of questions on the Supreme Court, now that Justice Breyer's retirement is official —

MS. PSAKI: Sure.

Q — and one quick foreign policy one. The President just said that he intends to nominate someone by the end of February. We have seen some slippage in past White House deadlines. Fed nominees was an example recently. So how hard and fast is the end-of-February deadline the President just set for announcing a nominee? Or do you see a scenario where it could slip into March?

MS. PSAKI: Well, the President said he intends to nominate, so that is — it makes clear that this is a priority for him. He will obviously be spending time on it. As I think you heard him say as well, he's already been reviewing bios of potential candidates. That's

something that he's been doing since last year.

And — but beyond that, Darlene, I think the President also knows from his long history as former Chairman of the Senate Judiciary Committee and as someone — as the Vice President when there were two Supreme Court nominees confirmed, that you want to pick the right person. And he takes his role seriously, including the importance of the consultation with the Senate.

Q Is there anything you can add on how quickly he would like to see the nominee clear the confirmation process once he names that individual?

MS. PSAKI: I'm not here to set deadlines. It is clear that the President's focus is going to be, as you heard him say, on the process of selecting a nominee — someone who will be qualified; who — as I think you've heard him say, who will be worthy of the decency and excellency of Justice Breyer's legacy; somebody with character, experience, and integrity. And it will be a rigorous process.

But that is the next step in the process, and, of course, beyond that, he will be working closely with Chair Durbin, Ranking Member Grassley, and other members of the Senate Judiciary Committee to confirm the nominee as expeditiously as possible.

Q One more on that, before the quick foreign policy question. He said at the news conference last week that he, kind of, underestimated the level of GOP pushback to him and his agenda. And I'm — we all think that his nominee will not be spared any pushback. So how interested is the President in a bipartisan confirmation vote for the nominee? Or would he be, you know, open to a Democrats — a Democrats-only confirmation vote?

MS. PSAKI: Well, Darlene, as you heard the President say directly, he's going to work in good faith with senators of both parties. And there are historic parts of these processes that include the advice — receiving the advice, welcome the advice — welcoming the advice from members of both parties, and that's something he certainly intends to do, as you heard him say.

I expect we'll have more details on what that will look like in the coming days.

And he's also grateful to Republican — to the Republican members who have already indicated they plan to work with him. But I think we also shouldn't — should be clear about some of the games that we're already seeing indications of out there.

We have not mentioned a single name. We have not put out a list. The President made very clear he has not made a selection. And there are — if anyone is saying they plan to characterize whoever he nominates after thorough consideration with both parties as “radical,” before they know literally anything about who she is, they just obliterated their own credibility.

So, our intention is to not play games. The President's intention is to consult with members of both parties. And his intention is to nominate a qualified candidate who, after completing a rigorous process — who is worthy of the excellence and decency of Breyer's legacy.

Q And then, the foreign policy question is: Has the President already spoken with President Zelenskyy of Ukraine?

MS. PSAKI: It's happening this afternoon, shortly. And I expect we'll have a readout of that as soon as it happens.

Q Thank you.

MS. PSAKI: Sure.

Go ahead.

Q Thanks. Who here at the White House is helping the President to, sort of, lead this search effort? Is this Ron Klain who's helping him go through this process? And would he then be the person to kind of shepherd the nominee through the Hill process, as well, through meetings and such?

MS. PSAKI: Sure. Well, first, the Vice President will play a central role in this process, and the President intends to consult with her very closely.

Obviously, she has a long history as a former attorney general, as a member of the Judiciary community — Committee, and he respects her opinion greatly.

In addition to the Vice President, Ron Klain will, of course, play a role; Dana Remus; Cedric Richmond; Paige Herwig, who's a member of our Counsel's Office; and Louisa Terrell.

As has been standard in the past, we would anticipate bringing in additional expertise from the outside to advise during the confirmation process. I would expect we would have that team in place prior to a selection, but that is not finalized at this point.

Q And now that we, you know, have heard the President speak publicly about this, I wonder if you can take us, sort of, back maybe a little bit in time. When did the President first learn of Justice Breyer's intent to retire? And, you know, how was he informed? If you could just explain a little bit of the backstory.

MS. PSAKI: Sure. Well, first, as you heard the President say and you've heard us say, this was Justice Breyer's decision to make on his own timeline and through his own contitions [sic] he determined. So, we aren't going to lay out more specifics from here in terms of when the President was aware.

The President — I can tell you that Justice Breyer hand-delivered the letter to the President this morning that you saw released by the Supreme Court. And that was the formal notification from Justice Breyer.

Q And I asked you about this yesterday; I'm just wondering if you had a chance to look into it. Just confirming: Is it the White House's view that the Vice President does have the authority to break a tie in a Senate confirmation of a Supreme Court nominee?

MS. PSAKI: I know you asked me that. I know there is historic precedent on that front, but I will double check and see. And I'm sorry, I apologize for not getting back to you on that.

Go ahead, Ed.

Q I just wanted to clarify one thing you said to Darlene — that he's been reviewing bios of justice — potential nominees, since last year. I think for those of us who've covered the campaign, it may have been since the transition — no? — that he's been reviewing files.

Q Since the campaign, actually.

Q Yeah.

Q Since the spring of — since the spring of 2020, when he said that he was going to get a shortlist.

MS. PSAKI: I'm aware of when he made that comment, of course. But in terms of when he's been reviewing bios as President, since last year.

Now, he was inaugurated last year, so — but he did, as Jen just noted, make a commitment on the campaign, which you heard him say he absolutely intends to deliver on, which is to nominate the first African American woman to the Supreme Court.

Ron Klain and Dana Remus have been involved in consulting with the President and preparing bios for him, and that's something he has looked at since last year.

Q We've never had a President who spent eight years reviewing judicial nominees as a Vice President and 36 years reviewing every judicial nominee before the Senate when he was on the Judiciary Committee. What does he bring to this process, as now President, that other presidents perhaps haven't, given that experience?

MS. PSAKI: Well, without comparing to past presidents, what I can tell you he brings to the role is an appreciation for the solemn importance of his responsibility as President and a recognition of the historic role that this process plays, including the importance of selecting somebody who's eminently qualified — which he has every intention to — of doing — and consulting with Democrats and Republicans in the Senate.

You know, he is somebody who — and I think you heard him say this — that is why I think he wanted to convey very clearly that this will be a rigorous process; that he wants to seek a candidate who's worthy of the excellence and decency of Justice Breyer's legacy; that he will meet with potential nominees; he will study their records carefully; and he is going to take all of the advice he can get.

So what he brings to it is experience and also a recognition of the solemn importance of the role any President plays in selecting a nominee to serve in a lifetime appointment on the Supreme Court.

Go ahead.

Q Jen, can you detail some of the groups that the White House, or perhaps the President, will be speaking to outside of the White House, or that they already spoken to, to this point, as he goes through the process of coming up with the best possible candidate for the Court?

MS. PSAKI: Sure. We will be consulting with a range of groups. Obviously, we just announced the Justice's retirement today. I can get you more details on that, I expect, in the coming days as that process commences.

Q Presumably, there's been — some of those conversations have already taken place, I imagine, in some form, right? So, can you take us behind —

MS. PSAKI: There are certainly group —

Q Like what does it look like getting to this place? You knew it — you know an opening could exist at some point.

MS. PSAKI: Certainly. And as you know, Peter, there are a range of groups that have been preparing for the potential for a vacancy on the Supreme Court.

I will just reiterate that the President's view has always been that it is up to the decision of every individual Supreme Court Justice to determine when they will resign or when they will retire. And that is how he has asked all of us to conduct ourselves.

But there have been a range of groups out there who have been compiling their own lists, especially given the President's commitment to nominating an African American woman, the first to ever serve on the Supreme Court. And, certainly, we have been consulting and will continue to consult with them about their views.

Q Let me follow up on the foreign policy question. I know you'll give us a readout at some point, but obviously the President goes into these calls with an expectation of what message he wants to deliver. So, what is the President's message to the Ukrainian President today as we witness this continued buildup of troops along the Ukrainian border — of Russians?

MS. PSAKI: Well, I would view this call as part of regular engagement with Ukrainian and government — with the Ukrainian government. This will be the third time the President and — and President Zelenskyy have spoken in just the last few weeks since December.

They'll discuss the latest diplomatic and deterrence efforts with Russia. The President will reaffirm the United States' commitment to supporting Ukraine's sovereignty and territorial integrity and our commitment to "nothing about Ukraine without Ukraine."

But this is more of a check-in call than it is a call where there is a specific announcement being delivered.

Q Has the White House changed its assessment — has the Biden administration changed its assessment that a Russian invasion is imminent?

MS. PSAKI: Well, I would say that we have said since last week that we have seen preparations and buildup at the border and that an invasion could come at any time. Our assessment has not changed since that point.

Q And then, can you just talk about — last thought on this topic, which is: One of the complicating factors here is that Russia is now surrounding Ukraine from a variety of different places, right? They're not just on the east. They're on the north. They're on the south. As well, they're in Belarus. So —

MS. PSAKI: Yeah.

Q — can you describe how that complicates the decision-making process now or what challenges that poses for you? And just the fact that they are now in a third country — in Belarus — what message that sends to the United States?

MS. PSAKI: Well, I would say there's a couple of — a couple of ways we look at that, Peter. One is, as you know, we're continuing to strongly encourage U.S. citizens who are in Ukraine to depart Ukraine, because we watch closely — and while we don't and we're not predicting what President Putin may do, we certainly are watching closely the buildup of tens of thousands of troops on the border. And also, the fact that we want to ensure there are ample ways for American citizens to depart Ukraine should they — should they decide to leave Ukraine. We're certainly encouraging them to do that.

The second — the second impact, I would say, is that we're in close consultation with our European partners about their own security concerns and, certainly, in close consultation with them and our NATO Allies who are in the region and in surrounding countries about what security needs they have. And that is something they are watching closely.

As you know, we announced just a couple of days ago that we have 8,500 troops at the ready as part of a NATO force. That would be a decision made through consultation in the NATO Alliance, not by the United States.

But, certainly, they're all watching the buildup and the movements of troops by the Russians.

Q The number remains 8,500, though, for us, for today?

MS. PSAKI: Correct. I would point you to the Department of Defense if there's any updates, but not that I'm tracking any changes in that front.

Q Thank you.

MS. PSAKI: Go ahead.

Q How soon do you expect to have a shortlist for the President — the Supreme Court nominees?

MS. PSAKI: I expect we will have a shortlist —

Q Yes, but how soon? Sorry.

MS. PSAKI: I can't give you an exact prediction of that. I will note, Steve, that the President has been reviewing bios, so I'm not going to define what — that being the shortlist, but I will tell you that he has already started reviewing potential candidates.

Q And what's your timeframe for getting someone confirmed? Would you like to have it done by June or what — what are you thinking?

MS. PSAKI: As expeditiously as possible, Steve.

But the President also notes — and I think this is important because I know there have been a range of calls out there for a timeline.

His view — and this goes back to Ed’s earlier question: This is a — nominating someone to serve in a lifetime appointment on the Supreme Court. We want that to happen as expeditiously as possible, and we don’t — we will call out games as we see them. But the President’s focus is on nominating the right person. He said he’s — he intends to do that in February. And then working closely with the chairman and ranking member from there.

Q And do you expect him to only consider sitting judges?

MS. PSAKI: Well, the President believes that sitting judges can make excellent Justices, but he does not believe that is a prerequisite.

Q And last thing. On Ukraine, Russia says it needs time to review the U.S. response to their demands —

MS. PSAKI: Yeah.

Q — and will not rush to conclusions. Is this a thawing at all or what — is this a positive thing? What do you — what’s your interpretation?

MS. PSAKI: Well, I think, as you’ve heard our Secretary of State and our national security advisor and others convey, we don’t know if the Russians are playing games on diplomacy. We hope not.

And our intention — we are certainly pursuing diplomacy with a level of seriousness and an intention in leaving that door open and pursuing that path should — should they be open to it.

But they have conveyed they’re reviewing what was sent to them. And that’s a part of the diplomatic process.

And as you heard our Secretary of State say yesterday, he anticipates he'll speak with his counterpart, Foreign Minister Lavrov, soon.

Go ahead.

Q I noticed, today, David Axelrod tweeted out a series of votes for previous Supreme Court nominees that were nearly unanimous in the Senate. And the President —

MS. PSAKI: The glory days. (Laughter.)

Q Right. The President seemed to sort of lament the current sort of environment that he's operating in — in that same — in his remarks just now. Have you talked to him about that?

And is there — this, sort of, gets to an earlier question as well, a little bit — but is there a desire on his part to try to find a way to pick someone who could have a broad — the broadest possible appeal?

And what's his, sort of, attitude about — you know, after all these years he's pursued the presidency, he's been the Vice President, and now this is his one opportunity to do this and he's in this moment in Washington where — you know, that's very unlike the environment that he spent most of his career in.

MS. PSAKI: That's true. And he is not naive to that. And you heard him speak about this broadly at the press conference last week as well.

But I would also note that last year, President Biden won confirmation of the most judges in his first year in office of any President since President Reagan. He's won confirmation of the most lower court judges in the first year of a presidency since President Kennedy. He has nominated and confirmed more African American women to the circuit court ever in history; the number — eight — that he has nominated and confirmed is more total than ever in history.

So, I would note that even in the environment we are living in, a divisive environment at times, where — if you take voting rights, for example, where — I know I've said this a lot, but it's a good example — 16 senators who have supported voting rights in the past don't support it now, we have still been able to make historic progress on moving forward judicial nominees.

His intention and his focus is not on — is not on navigating out the legislative gameplaying, it is on selecting and nominating an eminently qualified African American woman to serve on the Court.

And he will work closely in good faith with Democrats and Republicans on the process to consult them in advance and then to move through the confirmation process. But that is how he's going to approach it.

Q And the question of whether or not that person could earn support from Republicans isn't likely to be an influencing factor as he picks among the possible qualified candidates?

MS. PSAKI: Well, I don't think we should buy into that gameplaying. And I don't think the President believes that.

You know, if you look at what the President has committed to, nominating the first African American woman — it's been over 230 years, as we know, since the Supreme Court came into being. A Black woman has never served on it.

And the President's view is that anyone who's saying that that's not possible or we can't find the most eminently qualified person — that's ludicrous. I mean, that's suggesting that a Black woman should not be a part of the most important court in our nation, that there aren't Black women who have distinguished themselves by rising to the top of the legal profession with the strongest credentials imaginable. There are. Many of you are reporting different lists of names of many potentially qualified candidates.

So, his focus is going to be on pursuing this process with rigor, with the seriousness that it warrants, and he is hopeful he will have partnership in approaching it from members of the Senate.

Go ahead.

Q Just to put a little bit of a finer point on what you just got to at the end of that —

MS. PSAKI: Yeah.

Q — you know there have already been conservatives, commentators talking a bit about why a Black woman that's — to commit to that is reverse racism or some kind of signaling — a virtue — virtue signaling or something like that. What do you say to people who are saying that that is, you know, an inappropriate way to set out prerequisites for who he's going to choose?

MS. PSAKI: Well, first, we'd say that the fact that no Black woman has been nominated shows a deficiency of the past selection processes, not a lack of qualified candidates to be nominated to the Supreme Court.

I'd also note — I've heard that some conservatives may be fans of President Reagan, and when he — former President Reagan. And when he nominated Sandra Day O'Connor he said, quote, "Judge O'Connor's confirmation symbolizes the richness of opportunity that still abides in America — opportunity that permits persons of any sex, age, or [any] race, from every section and every walk of life to aspire and achieve in a manner never before even dreamed about in human history."

I'd also note, if you look at the President's own record, not only has he nominated the most — the highest number of Black women to serve on the circuit court and the appellate court, but he has also nominated, across the board, the highest level of Ivy League nominees, right? He has — he has qual- — he has nominated a broad swathe of extremely qualified, experienced, and credential nominees — credentialed nominees, and done that by also making them incredibly diverse.

And so the President's view is that it is long past time to have a Black woman on the Supreme Court, and that it, again, reflects challenges or deficiencies in the past processes.

Q And then, you know, there's also the question that — you kind of got at it with the Ivy League degrees point. Are you — is the President thinking about diversity of backgrounds, so people who maybe have worked in civil rights work or who didn't go to Harvard or Yale Law School? Or — another criterion — is he thinking about their age and to what extent? Can you say sort of what ballpark he is looking at there?

MS. PSAKI: I can't give you any specifics on the age. But I will tell you this: As a proud state school graduate myself — and the President, as you know, is not a graduate of an Ivy League school — he has also nominated judges from a range of backgrounds. I was trying to give you a sense of how qualified and the extensive credentials of the judges he has nominated to date.

But as I noted earlier — I can't remember who asked the question — but he — while being a judge in the past certainly could make a great justice, that's not a prerequisite for him either. So, he will look at a broad array of candidates.

Q And could I just ask a foreign policy question? As you prepare for the German Chancellor to visit the week after next, does the administration believe Germany should stop blocking Estonia from shipping weapons to Ukraine? And doesn't Germany's position undercut the unity between the U.S. and Europeans that the administration has been talking about so much when it comes to Russia?

MS. PSAKI: Well, our view is that "unity" does not mean "identical," and that there are a range of capacities, capabilities, legal authorities that different countries have. And what is most important is being united against the bellicose rhetoric, the buildup of troops, and the potential of Russia invading a sovereign country — the sovereign country of Ukraine. And we have found Germany to be very much united with us in that effort, as we have found with other European countries.

Q But specifically on the Estonian weapons, do you have anything?

MS. PSAKI: Again, there are a range of capacities and capabilities different countries are going to be providing. Germany has provided a range; other countries have provided a range. What's most important is looking at the totality of how we're all working to help support Ukraine.

Go ahead.

Q Two quick questions on the courts. First of all, the President is talking about a rigorous, deliberative process. Are you confident that that can happen in the timeframe that Senator Schumer is talking about of about a one-month confirmation process, from start to finish, once the announcement is made?

MS. PSAKI: That's not a timeline we have set. What our focus is on and the President's focus is on first, of course, is selecting, through a rigorous process, a candidate who's eminently qualified; who, again, meets — is worthy of the excellency and dignity and decency of Justice Breyer's legacy.

And then the President's intention, even in advance of that, of course, is to work in good faith with leaders and ranking members and chairs of both parties to move this process forward.

He wants that process to move forward expeditiously. And he is certainly hopeful that everyone will come to the table with — in good faith.

(A cellphone video interrupts the briefing.)

Oh, okay. Well, that was — I care about childcare. (Laughter.)

But — but we are not here to set a timeline from here. Our focus is on, of course, the President nominating a highly qualified nominee, consulting with the Senate, and getting her confirmed.

Q But given that that's the timeline that the Senate Democrats are already talking about, is a one-month process something the White House is comfortable with? Do you think that could work, or do you think that might rush the process?

MS. PSAKI: Again, I think I spoke to what our view is.

Go ahead.

Q Thanks, Jen. Can you explain a little bit more, first off, why the end-of-February deadline that the President set — why did he commit himself to that? What is it about that timeline that appeals to him (inaudible)?

MS. PSAKI: I think he was attempting to give all of you a sense of his process and how much of a priority this is for him to put forward an eminently qualified nominee.

Q And then, looking backward: Before today, when was the last time that the President spoke with Justice Breyer?

MS. PSAKI: I'm not going to get into details of his conversations or engagements with Justice Breyer. Again, it was Justice Breyer's decision to retire. And if he wants to speak to any conversations or his process or notification process, he can certainly do that.

Q Can you say gen- — I mean, have they spoken within the last couple of months? Have they spoken several times over the last year?

MS. PSAKI: I appreciate your effort, but we — we are going to leave that to Justice Breyer to outline, should he decide to.

Q Okay. And a question on a different note: The Biden administration has approved more oil and gas drilling in its first year than the Trump administration did in its first year. It set a record for the largest offshore lease sale last year. And the Gulf of Mexico is now preparing several other major lease sales. Can you explain why this administration

hasn't done more to curb fossil fuel production on public lands and waters? There are allies in the environmental community who say, "Look, there are other levers you could pull to accomplish more of this."

MS. PSAKI: Well, I would first say we have an entirely different policy from the Trump administration on addressing the crisis — the climate crisis, which I'm not even sure that they acknowledged — certainly not in the same way that President Biden and our entire team has.

And we've taken a range of steps, including and advocating for a historic investment in addressing the climate crisis that we are still working to move forward in Congress. But we've taken a range of additional steps beyond that.

As you know, Sean, I think — and just to be on the level with everybody — a big part of that is because of court cases and legal challenges that have made it — made it impossible for us to stop many of these leases. And that is the reasoning for it.

Q But some — I understand what you're saying on the legal challenge. But, I mean, some climate activists say that there are other ways, either through, you know, reopening the environmental review process for proposed lease sales, delaying them, cancelling them outright — like, there are other levers that can be pulled, even in the face of those court challenges to —

MS. PSAKI: Well, I would say a court challenge is a significant barrier to implementing our intended policy. And that is, of course, not consistent with our policy — keeping many of these open — but we have an obligation to, of course, abide by the law.

I would note that there are also a range of steps that we have taken to address the climate crisis that go far beyond legislation and certainly beyond the challenges we have because of those — posed by the court challenges, including tackling super pollutants, phasing down hydrofluorocarbons, rallying the world on — to focus on methane in Glasgow.

This summer, we stood with autoworkers and America's big car manufacturers to roll out plans to boost electric vehicles. We put America on track for one of every two cars sold to be zero emissions within the decade. You heard a lot of CEOs yesterday speak to how important addressing the climate crisis is, even to their industries. That's something the President is committed to.

So I don't think our approach could be any starkly — more starkly different from the approach of the former president.

Go ahead.

Q The last count that I saw had the President getting 42 of 81 nominations confirmed — judicial nominations confirmed through the Senate.

A lot of them — you know, a good number of them had a close margin, in terms of the Senate vote.

MS. PSAKI: Yeah.

Q Is the President expecting that same kind of unity with the Democratic caucus with whomever his nominee should be, just given how difficult it's been getting unity on other portions of the agenda?

MS. PSAKI: Well, again, the President, as you heard him say, hasn't made a decision. He — the only decision he's made is to nominate a Black woman to the Supreme Court — the first in history — one who is eminently qualified. And that is his intention. And he intends to do that once he concludes a rigorous process.

I would note that he has found eminently qualified nominees for judges that have been confirmed; 42, I believe, is the correct number — a historic number of diverse nominees to serve in judgeships around the country. And certainly he's hopeful that when he puts that nominee forward, there'll be strong support from a range of senators.

Q And a quick note on student loans. I know you hit a good deal on it yesterday. Is the President worried at all about slapping, you know, millions of student borrowers with their, you know, monthly obligations, you know, of hundreds or thousands of dollars toward their student loan payments, you know, several months ahead of an election cycle, when he's then probably going to turn around to those same college-educated voters and ask them to come out and vote for Democrats in November?

MS. PSAKI: Well, I think, first, no one has paid — been required to pay a single dime of federal student loans since the President took office. I'm not sure there's another time in history where that has been the case in the first year of a presidency.

At the same time, our economy is seeing one of the strongest recoveries in history. And the President has also taken historic steps to provide relief and cancel — he's cancelled \$15 billion of student loans during his first year in office.

Obviously, as we get closer to the timeline in May, we will have to make a decision about what's next. And we've obviously been clear on what we're preparing for, but the President is going to make these decisions based on what we're seeing in economic data and what we feel is certainly needed at this time in the country.

Q What would you say to borrowers who look at, you know, the 11 — I think the \$15 billion number was one you shared yesterday — of debt that he's cancelled so far, and they say, "If he can cancel that debt, why can't he cancel my debt as well?" — if they're not in the particular groups and classes of borrowers he's canceled for?

MS. PSAKI: I would say if Congress sends us — him a bill to cancel \$10,000 in student debt, he'd be happy to sign that into law.

Go ahead.

Q Thanks. I got two today. Laurence Tribe told RealClearPolitics yesterday that he'd likely stand by his past comments that a Vice President can't break a tie to confirm a SCOTUS nominee. I know you said you were going to check on the specifics yesterday. So I'm just wondering if there's an update on where the administration stands on this.

MS. PSAKI: Oh, Mary just asked that question.

Q Oh, I didn't hear her.

MS. PSAKI: It's okay. I'm happy to get back to you if we have a legal analysis from here.

Q Okay. And then, on COVID: We have seen an effort from a few other countries to include a push for living a healthier lifestyle as part of the pandemic response. There's been studies indicating efforts like weight loss can help prevent some of the more serious effects of COVID-19. Why hasn't the President included a push for healthier lifestyles in his COVID messaging in addition to pushing Americans to get vaccinated?

MS. PSAKI: Well, first, we rely on the advice and guidance of our public health officials on how to best protect yourself from hospitalization and death from COVID. And we know that the most effective steps anyone can take are to get vaccinated, get boosted, wear a mask, and those are the steps that we're certainly focusing on.

If they decide those are steps that are warranted and have a huge impact on outcomes and they want to share those, we'd certainly echo those. But we really refer to our public health officials and experts.

Q So, there hasn't been a — advice from the public health officials that the President has been speaking to?

MS. PSAKI: Again, we do — we do briefings with our public health officials every week, multiple times a week. And I think what's most important to note is what we know is most effective, which is getting vaccinated, getting boosted, wearing a mask. And those are the — those are the components and the steps that we're really focusing our attention on encouraging.

Go ahead.

Q Thank you, Jen, so much. I have a quick follow-up on Peter's question —

MS. PSAKI: Sure.

Q — and then two more, if I may. If the United States and Ukraine are so close together, working together in close coordination, why does the White House say an invasion is imminent and Ukraine say it is not?

MS. PSAKI: Well, I think I just said that our assessment is the same as it was last week, which is that we're watching, obviously, tens of thousands of troops build — troops build up at the border.

We can't get in the mind of President Putin, but obviously, an invasion could happen at any time. But we have not made a prediction of that; the President has not made a prediction of the timing. And again, we'll let others assess what tens of thousands of troops at the border means.

Q And yesterday, Ukraine and Russia sat down for the first time in a long time, along with France and Germany, without the United States, and they agreed to keep the ceasefire in Eastern Ukraine and talk again in two weeks. Does the White House believe they can bring peace without the United States being involved in the talks?

MS. PSAKI: Yeah — we fully support international efforts, including the Normandy Format, which is what you're referring to, to de-escalate the situation and negotiate a diplomatic resolution to the Russian-led conflict in Eastern Ukraine.

We stand ready to support any sincere efforts at progress from all sides. And, of course, this is a positive step.

Q And one more, Jen. Besides the crisis in Ukraine, this week alone, ISIS launched the biggest attack in Syria in years; beheaded a police officer in Iraq — in a video again. The U.N. chief said that Afghanistan is “hanging by a thread.” People are starving and freezing after the United States left the country.

So is this what American leadership or “America back” look like? Can you say this is a winning foreign policy?

MS. PSAKI: There was a lot wrapped up in that question. What is your question exactly?

Q I'm asking: We see things happening with ISIS that we haven't seen in years, launching a big attack in Syria and Iraq. We see people in Afghanistan hungry, starving, freezing. And the United States — I'm asking — yesterday, you were asked a question, “What happened the last year after one year the President in office with foreign policy?” And you say, “America is back.”

So I want — my question is: Just yesterday, we saw so much happening the world. Is this what “America back” means?

MS. PSAKI: Well, ISIS has been a terrorist organization for many years through the course, before President Biden took office. They’ve been terrorizing people for many years. That is not new, as of the last year. And we have spoken out about that at every time when it has been appropriate to do exactly that.

I would say the President’s role over the last year, as I’ve talked about a bit in here, has been rebuilding our relationships around the world that had been frayed — were frayed during the prior four years; reminding other countries around the world that we are a reliable partner, a reliable ally.

And the fact that we’ve had more than 100 engagements with countries around the world at a range of levels and formats, as we look to the aggressive behavior of Russia, speaks to that — speaks to — it doesn’t happen by accident. That’s why we have a united front as we’re looking at the potential actions of President Putin.

So, I think that speaks to the work the President has done over the past year.

Go ahead.

Q I have a question about Brazil, very quickly, (inaudible) country.

MS. PSAKI: Yeah.

Q So the White House says Brazil is a strategic partner in the hemisphere. But so far, one year after in office, President Biden hasn’t spoken yet with the Brazilian President. I wonder why that conversation is still — I know there is a lot of other priorities, but why just completely ignoring this conversation with Brazil? I know that Brazil is pushing to have this conversation.

MS. PSAKI: Well, our Secretary of State, our chief diplomat, spoke just a few weeks ago with his counterpart about our shared priorities, including a need for a strong, united response against further Russian aggression against Ukraine.

We're obviously consulting broadly across the board. And so, I think that certainly is an appropriate, very high-level engagement. And when there's a call with the President, we'll let you know.

Go ahead.

Q (Inaudible.)

MS. PSAKI: I think we're moving on. Go ahead.

Q Thank you, Jen. My question is more on the human element —

MS. PSAKI: Sure.

Q — of what's happening in Ukraine.

MS. PSAKI: Yeah.

Q In 2014, after Russia invaded Crimea, more than a million Ukrainians sought asylum in neighboring countries. Ukrainian diplomats in Europe are now saying that if Russia invades now, that there'll be many, many millions more.

What preparations are being made to work with the EU to alleviate this potential refugee crisis? Is the U.S. considering allowing Ukrainians to enter the country without a visa or is it — even just material support for potentially housing and feeding millions of Ukrainians who are going to be displaced?

MS. PSAKI: Well, I would say — and you touched on this a little bit in your question — but since the conflict began almost eight years ago, we have provided — there has been huge humanitarian challenges in Ukraine. Most of the needs are in the easternmost regions, of course, bordering Russia, including Donetsk and Luhansk, where fighting along active front lines that have resulted in civilian deaths and injuries and damage to civilian infrastructure, including critical water supplies.

That's already been happening over the past several years. And, obviously, COVID-19 has exacerbated that.

USAID has a disaster expert in the country who's monitoring the situation closely, coordinating with other donors, assessing the evolving humanitarian needs of the Ukrainian people, and liaising with partners to determine what steps may be needed.

Now, obviously, if Russia invades, you know, that could create and exacerbate existing humanitarian needs stemming from these years of conflict. And we have, over the course of the last year — eight years, sorry — provided more than 350 million — 51 million dollars to vulnerable communities across Ukraine, including nearly \$141 million from USAID; food; safe drinking water; shelter; emergency healthcare; winterization services.

And what USAID and our team on the ground will continue to do is assess what the needs are and make decisions accordingly.

So, I can't predict for you what that will look like. Obviously, our preference would be for a diplomatic path to avoid an invasion. But we have a long history of delivering urgent humanitarian assistance in Ukraine, and we're prepared to do that as needs warrant.

Q And more broadly, what lessons did the President learn after the fall of Kabul, which led to its own refugee crisis? What, you know, did he, I guess, learn from what, at the time, was viewed as, kind of, a fumbled response initially to hundreds of thousands of Afghans seeking to flee the country?

MS. PSAKI: As it relates to Ukraine, or just in general?

Q I mean, as it could potentially be applied to Ukraine.

MS. PSAKI: Well, I would say ending a 20-year war that was failed, where we were spending billions and trillions of dollars every month and every year is a very different circumstance than what we're looking at here, which is the buildup of Russian troops on a border in Ukraine.

This doesn't involve U.S. troops in Ukraine, right? So, very different circumstance.

I would say how — what we're applying, I would say — let me take it in a slightly different direction. What the President has learned from his time in the foreign policy world and working on global diplomatic issues over the past several decades is that it's imperative to work closely with your partners and allies, and approach it from a united front; that we need to contingency plan and have a range of options, even as we're leaving the door open to diplomacy, which is certainly always the preferred path — and I think that's what you're seeing him do now; and that, as it relates to Russia, which is a very different entity, of course, than what we were dealing with in Afghanistan, that the, you know, unending ability and capacity for the country to — and the leadership, I should say — to spread misinformation, to, you know, lay the — attempt to lay the predicate for an invasion is something that we have to be quite mindful of.

That's a very different circumstance, but certainly he leans on and — his decades of experience in foreign policy.

Go ahead.

Q Hi. Yesterday, Senator Schatz, who chairs the Senate Indian Affairs Committee, wrote to the President, asking him to commute the sentence of Leonard Peltier, a Native American activist who was convicted of murder in a very controversial trial about four decades ago. Is that something the President is considering or taking a look at, at this time?

MS. PSAKI: I don't have anything to predict for you on that front.

Q Jen, there is —

MS. PSAKI: I think we have to wrap up, everyone. Thanks so much. Have a great day. We'll see you tomorrow. Thanks so much.

Okay. Everyone have a good day. Thank you everyone.

2:32 P.M. EST

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