

Feb. 5, 2021: Advocacy Update spotlight on Biden Administration executive orders and proclamations

Biden Administration executive orders and proclamations

Over the past two weeks, President Biden signed several executive orders and memoranda to address multiple essential policy areas including public health, health care delivery, equity, environmental protections, immigration and economic relief. Additionally, the Biden Administration unveiled a designated national strategy (PDF) for handling COVID-19 and addressing pandemic preparedness with initial steps to immediately implement portions of this strategy. See a summary of some policy changes below:

Addressing COVID-19 and pandemic preparedness

1 **Establishing the COVID-19 pandemic testing board and ensuring a sustainable public health workforce for COVID-19 and other biological threats**

Establishes a pandemic testing board to identify issues and assist in implementation of testing solutions; directs actions to address the cost of COVID-19 testing; establishes a public health workforce plan.

2 **Suspension of entry as immigrants and non-immigrants of certain additional persons who pose a risk of transmitting coronavirus disease**

Restricts and suspends the entry into the United States, as immigrants or nonimmigrants, of noncitizens of the United States (“noncitizens”) who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, the Federative Republic of Brazil and the Republic of South Africa during the 14-day period preceding their entry or attempted entry into the United States.

3 Protecting worker health and safety

Addresses potential changes within OSHA and at the state level to better protect workers from COVID-19 and ensure workers previously not identified but at risk have adequate protections.

4 Supporting the reopening and continuing operation of schools and early childhood education providers

Identifies actions to assist in the safe reopening of schools and early childhood education.

5 Ensuring equitable pandemic response and recovery

Establishes a COVID-19 Health Equity Task Force and identifies actions to ensure an equitable response, including those to address vaccine hesitancy.

6 Sustainable public health supply chain

Requires an immediate inventory of response supplies and identification of areas of need; directs use of the Defense Production Act to address shortages.

7 Protecting the federal workforce and requiring mask-wearing

Individuals in federal buildings and on federal lands must all wear masks, maintain physical distance and adhere to other public health measures as provided in CDC guidelines.

8 Ensuring a data-driven response to COVID-19 and future high-consequence public health threats

Enhances COVID-19 data collection and seeks to strengthen public health infrastructure.

9 Improving and expanding access for COVID-19 care and treatments

Mandates development of plans to support research that assist in advancing COVID-19 therapies; seeks to improve capacity to address COVID-19 in a variety of settings.

10 Promoting COVID-19 safety in domestic and international travel

Immediately requires masks on domestic forms of transportation (airplanes, trains, buses, etc.) and requires negative COVID-19 tests, quarantine or combination thereof for entry into the United States from travel abroad.

11 Directive to extend federal support to governor’s use of National Guard to respond to COVID-19 and to increase reimbursement and other assistance provided to states

Provides full federal funding for National Guard response to COVID-19. Provides fully-funded FEMA assistance to state, local, and tribal efforts to reopen and operate schools, child care facilities, health care systems, shelters, transit systems and others.

12 Organizing and mobilizing the United States government to provide a unified and effective response to combat COVID-19

Establishes the position of the Coordinator of the COVID-19 Response and Counselor to the president and takes other steps to organize the White House and activities of the federal government to combat COVID-19 and prepare for future biological and pandemic threats.

Health care delivery

1 **Strengthening Medicaid and the Affordable Care Act**

The Biden Administration is looking to build up and strengthen the Affordable Care Act (ACA) to protect the health of all Americans. Some of the provisions include the following:

- Department of Health and Human Services (HHS) shall consider establishing a “Special Enrollment Period,” from Feb. 15 through May 15, for uninsured and under-insured Americans to seek coverage through the Federally Facilitated Marketplace.
- Federal agencies to reconsider rules and other policies that limit Americans’ access to health care. Agencies are to reexamine:
 - Policies that undermine protections for people with pre-existing conditions, including complications related to COVID-19.
 - Demonstrations and waivers under Medicaid and the ACA that may reduce coverage or undermine the programs, including work requirements.
 - Policies that undermine the Health Insurance Marketplace or other markets for health insurance.
 - Policies that make it more difficult to enroll in Medicaid and the ACA
 - Policies that reduce affordability of coverage or financial assistance, including for dependents.

2 **Protecting women’s health at home and abroad**

Immediately rescinds the global gag rule (Presidential Memorandum of Jan. 23, 2017, The Mexico City Policy) which bars international non-profits that provide abortion counseling or referrals from receiving U.S. funding.

Directs HHS to take immediate action to consider whether to suspend, revise or rescind, or publish for notice and comment proposed rules regulations under its Title X family planning program.

Equity and inclusion

1 Launching government initiatives to restore federal efforts to promote diversity and advance racial equity

Revokes an executive order limiting the ability of federal agencies to hold diversity and inclusion training and launches “a whole-of-government” initiative to advance racial equity.

2 Ensuring a lawful and accurate enumeration and apportionment pursuant to the decennial census

Revokes an executive order and memorandum preventing the inclusion of undocumented populations in the decennial census.

3 Strengthening workplace discrimination protections based on sexual orientation and gender identity

Federal agencies are to consider whether to revise, suspend or rescind such agency actions, or promulgate new agency actions, as necessary to fully implement statutes that clarify that sex discrimination includes sexual orientation and gender identity.

4 Enabling all qualified Americans to serve their country in uniform

Immediately prohibiting involuntary separations, discharges and denials of reenlistment or continuation of service on the basis of gender identity or under circumstances relating to their gender identity.

5 Reforming our incarceration system to eliminate the use of privately operated criminal detention facilities

Prevents the Department of Justice (DOJ) from renewing contracts with privately operated criminal detention facilities.

6 Redressing our nation's and the federal government's history of discriminatory housing practices and policies

Builds on the Department of Housing and Urban Development's (HUD) anti-discrimination policies to end housing discrimination and eliminate racial bias.

7 Condemning and combating racism, xenophobia and intolerance against Asian Americans and Pacific Islanders (AAPI) in the United States

Denounces and condemns acts of racism, xenophobia and intolerance against AAPI communities.

8 Tribal consultation and strengthening nation-to-nation relationships

Reaffirms and builds upon Executive Order 13175 of Nov. 6, 2000 (Consultation and Coordination with Indian Tribal Governments).

Immigration

- 1 Revision of civil immigration enforcement policies and priorities**
Revokes Executive Order 13768 of Jan. 25, 2017 (Enhancing Public Safety in the Interior of the United States) and requires review of any federal agency action pursuant to this order.
- 2 Preserving and fortifying Deferred Action for Childhood Arrivals (DACA)**
The Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions needed in order to preserve and fortify DACA.
- 3 Ending discriminatory bans on entry to the United States**
Revokes several executive orders and proclamations to eliminate the “Muslim Ban” affecting entry and immigration into the United States.
- 4 Termination of emergency with respect to the southern border of the United States and redirection of funds diverted to border wall construction**
Directs the Secretary of Defense and the Secretary of Homeland Security to pause work on each construction project.

Economic relief

- 1 Economic relief related to the COVID-19 pandemic**
Directs the full resources of the Federal Government to combat the economic crisis resulting from the pandemic.

2**Pausing federal student loan payments**

Extend the pause on federal student loan payments and collections and keep the interest rate at 0% through October.

Environmental protections

1**Tackling the climate crisis at home and abroad**

Asserts that climate considerations shall be an essential element of United States foreign policy and national security.

2**The President's Council of Advisors on Science and Technology**

Establishes the President's Council of Advisors on Science and Technology (PCAST).

3**Protecting public health and the environment and restoring science to tackle the climate crisis**

Directs all executive departments and agencies (agencies) to immediately review and take action to address the promulgation of Federal regulations and other actions during the last four years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.

4**Restoring trust in government through scientific integrity and evidence-based policymaking**

The director of the Office of Science and Technology Policy shall ensure the highest level of integrity in all aspects of executive branch involvement with scientific and technological processes and convene an interagency task force of the National Science and Technology Council (NSTC).

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