

CLIENT ALERT

Biden Day One – Update on Executive Orders and Actions

Jan.20.2021

President Biden’s administration issued 17 new Executive Orders and other announcements today. The following is a brief summary and link to each by subject matter:

1. [COVID-19 – Executive Order – 100 Days Masking Challenge](#) – Requiring masks and physical distancing in all federal buildings, on all federal lands and by federal employees and contractors. The EO asks HHS to engage with state and local governments to implement masking, physical distancing and other CDC public measures to stop the spread of COVID-19.
2. [COVID-19 – Policy Statement – Re-engage with WHO](#) – Cease Trump Administration process of withdrawing from the World Health Organization and have the U.S. participate in the WHO Executive Board meeting this week with Dr. Anthony Fauci delivering remarks.
3. [COVID-19 – Executive Order – Create Unified National Response](#) – Structure our federal government to coordinate a unified federal national response to COVID-19 including the creation of a “COVID-19 response coordinator.”
4. [ECONOMY – Executive Order – Extend Eviction and Foreclosure Moratoriums \(Link Forthcoming\)](#) – Immediately extend the federal eviction moratorium until at least March 31, 2021 and call on Congress to provide federal assistance and extend it further. It asks the Departments of Veterans Affairs, Agriculture and Housing & Urban Development to consider extending foreclosure moratoriums for federally guaranteed mortgages.
5. [ECONOMY – Executive Order – Extend Student Loan Pause](#) – Ask the Department of Education to consider extending the pause on interest and principal payments for direct federal loans until at least September 30, 2021.
6. [ENVIRONMENT – Policy Statement – Rejoin the Paris Agreement on Climate Change](#) – Begin the process to rejoin the Paris Agreement today.
7. [ENVIRONMENT – Executive Order – Rollback of Trump Administration Environmental Actions:](#)
 - a. Direct all executive agencies to review and as appropriate take action to ensure Trump era regulations and executive actions are based on science, improve public health and protect the environment, ensure access to clean air and water, limit exposure to dangerous chemicals and pesticides, hold polluters accountable, reduce greenhouse gas emissions, and prioritize environmental justice and the creation of well-paying union jobs.

- b. Direct the Environmental Protection Agency and other departments and agencies to review specific regulations and other actions and to consider, within specified timeframes, publishing a proposed rule for notice and comment to revise, suspend, or rescind, including fuel economy and emissions standards, emissions standards for the oil and gas sector, assessing costs and benefits under the Clean Air Act, and appliance and building efficiency standards, among other actions.
 - c. Direct the Department of Interior to protect federal lands by reviewing conditions of the Grand Staircase-Escalante, Bears Ears, Northeast Canyons, and Seamounts Marine National Monuments and likewise place a temporary moratorium on oil and natural gas leasing activities in the Arctic National Wildlife Refuge, among other actions.
 - d. Re-establish the Interagency Working Group on the Social Cost of Greenhouse Gases (GHG), which is used to calculate the impact of regulations on the climate.
 - e. Revoke the presidential permit granted to the Keystone XL pipeline.
 - f. Revoke Executive Order 13766 (Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects), Executive Order 13778 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule), Executive Order 13783 (Promoting Energy Independence and Economic Growth), Executive Order 13792 (Review of Designations Under the Antiquities Act), Executive Order 13795 (Implementing an America-First Offshore Energy Strategy), Executive Order 13868 (Promoting Energy Infrastructure and Economic Growth), Executive Order 13927 (Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities), Executive Order 13834 (Efficient Federal Operations), and Executive Order 13807 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects).
 - g. Suspend for 90 days Executive Order 13920 (Securing the United States Bulk-Power System).
8. RACIAL EQUITY – Executive Order – Launch a Whole-of-Government Initiative to Advance Racial Equity beginning with the following initiatives:
- a. Establish responsibility for the federal government to advance equity for all
 - b. Direct every federal agency to review the state of equity within their agency and deliver a plan within 200 days to address barriers
 - c. Launch an equitable data working group to ensure federal data reflects the country’s diversity
 - d. Require the Office of Management and Budget (OMB) to invest in communities of color and underserved communities

- e. Improve the delivery of federal benefits and services to reduce access barriers
 - f. Study new methods to assess whether federal agency action advances equity
 - g. Direct agencies to engage underserved and underrepresented communities
 - h. Rescind the Trump Administration 1776 Commission
9. IMMIGRATION – Executive Order – Reverse President Trump’s Executive Order Excluding Undocumented Immigrants from the Reapportionment Count – Revoke Trump Administration actions to exclude noncitizens from the census and apportionment of Congressional representatives.
 10. IMMIGRATION – Memorandum – Preserve and Fortify Protections for Dreamers – Direct the Secretary of Homeland Security and the Attorney General to preserve and Fortify Deferred Action for Childhood Arrivals (DACA) and likewise call on Congress to enact legislation to provide permanent status and a path to citizenship.
 11. IMMIGRATION – Proclamation – Reverse the Muslim Ban – Reverse the Trump Administration restrictions on individuals from primarily Muslim and African countries.
 12. IMMIGRATION – Executive Order – Repeal of Trump Interior Enforcement Executive Order – Revoke Trump Administration action that directed extreme immigration enforcement by the Department of Homeland Security.
 13. IMMIGRATION – Proclamation – Stop Border Wall Construction – Terminate the national emergency declaration that allowed for the funding of the construction of the border wall between the United States and Mexico.
 14. IMMIGRATION – Memorandum – Deferred Enforced Departure for Liberians Presidential Memorandum– Extend Deferred Enforced Departure (DED) designation for Liberians until June 30, 2022.
 15. EMPLOYMENT DISCRIMINATION – Executive Order – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation – Prohibit workplace discrimination on the basis of sexual orientation and gender identity and direct agencies to act to ensure that federal anti-discrimination statutes that cover sex discrimination prohibit discrimination on the basis of sexual orientation and gender identity. The Administration intends to issue specific directives consistent with the U.S. Supreme Court’s decision last year extending the prohibitions of Title VII to include sexual orientation and gender identity. The Administration also intends to take additional steps to revoke EO 13950, issued by former President Trump in September of last year, limiting workplace diversity and inclusion training; that order was suspended through a nation-wide injunction issued on December 22, 2020.
 16. GOVERNMENT ETHICS – Executive Order – Executive Branch Personnel Ethics Executive Order – Require that every appointee in the executive branch sign an ethics pledge to ensure they act in the interest of the American people.

17. REGULATORY PROCESS – Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulations – Revoke Trump administration regulatory reform actions in order to remove barriers and empower agencies to have the tools necessary to tackle the COVID-19 pandemic, climate change, racial justice, and the economic recovery. The targeted executive orders include Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), Executive Order 13777 (Enforcing the Regulatory Reform Agenda), Executive Order 13875 (Evaluating and Improving the Utility of Federal Advisory Committees), Executive Order 13891 (Promoting the Rule of Law Through Improved Agency Guidance Documents), Executive Order 13892 (Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication), and Executive Order 13893 (Increasing Government Accountability for Administrative Actions by Reinvigorating Administrative PAYGO). Memorandum to Agency Heads – Directing OMB and agencies to improve the regulatory review process led by OMB.

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