

U.S. Advocacy Update - Wednesday, Jan. 20, 2021

Inauguration and the First 100 Days

- Joseph R. Biden was sworn in as the 46th President of the United States today, ushering in a new era in Washington as the Democratic party assumes control of the Congress and White House for the first time since 2011.
- The President's first official actions included signing multiple Executive Orders, including many to reverse certain policies instituted under former President Trump. Among the orders signed include:
 - Utilizing the Defense Production Act (DPA) to manufacture large amounts of the COVID-19 vaccine.
 - Reimbursing states for COVID-19-related National Guard costs.
 - Mandating masks in all federal buildings and on federal lands.
 - Mandating masks on public transportation and at airports.
 - Creating a Pandemic Test Board to combat COVID-19 and increase data collection.
 - Support for COVID-19 research focused on ensuring sufficient supplies and equity in their distribution.
 - Support for Medicaid, Pell Grants, unemployment insurance, and the Supplemental Nutrition Assistance Program (SNAP).
 - Bolstering federal employees' rights to collective bargaining.
 - Ensuring that federal agencies "Buy American" and use U.S. suppliers.
 - Creating a commission to evaluate law enforcement conduct and interaction with communities.
 - Promoting scientific and evidence-based decisions by federal agencies.
 - Reunifying families separated at the southern border.
 - Directing the Department of Education to consider extending a freeze on interest and principal payments for federal student loans through September 30, 2021.
- President Biden also issued a freeze on all pending agency regulations today. The freeze is expected to last until the Biden Administration reviews them. It is important to note that this was an expected step and is standard during presidential transitions. The move was announced in a White House Memo by Chief of Staff Ron Klain.
 - The memo also specifically directs all acting agency heads to delay "for 60 days from the date of this memorandum" any final rules that were already published in the Federal Register but are not yet effective.

- President Biden also continued to advance his goal of reaching economy-wide net zero emissions by signing executive orders to rejoin the Paris Climate Agreement and revoke the Keystone XL pipeline permit.
 - Additionally, President Biden is expected to take executive action on efficiency requirements for automakers and appliance manufacturers, emissions standards for power plants, methane emissions standards, and to stop oil and gas leasing in the Arctic National Wildlife Refuge (ANWR).
- In addition to the Executive Orders, the White House released details on additional legislative proposals targeting key elements of President Biden's platform.
 - President Biden sent legislation to Congress to reform the immigration system by creating a path to legal citizenship for undocumented immigrants, expanding foreign assistance, and increasing the use of technology for border security.
 - President Biden also plans to present his \$2T infrastructure proposal, part of his broader "Build Back Better" recovery plan, to a joint session of Congress in February. As a reminder, the plan is expected to increase public transit investment, invest in road and bridge repairs, and develop a high-speed rail system in the U.S.
- According to various sources, President Biden is expected to sign additional Executive Orders to:
 - Increase employee retention and professional development through reskilling programs.
 - Analyze and potentially reduce counterterrorism operations by the U.S. military abroad.
 - Continue the closure of Guantanamo.
 - Increase U.S. protection of human rights abroad.
 - Develop a social cost of carbon.
 - Review Trump Administration regulations that negatively impacted the environmental and public health, including offshore drilling safety standards.

Biden Administration Hiring

- The Senate confirmed Avril Haines today. Haines is President Biden's choice to be Director of National Intelligence. The vote was 84-10, making Haines the first Cabinet-level official of the Biden Administration to be confirmed by the Senate.
- President Biden [named twenty new staff members](#) to join the Interior Department. Joining Rep. Deb Haaland (D-NM), who is currently pending confirmation by the Senate to be the Secretary of the Interior, is a group of former Congressional staff and environmental advocates.

- Among the names is Jennifer Van der Heide, long-time Chief of Staff to Rep. Haaland, who is expected to assume that role at Interior.
- President Biden announced the slate of Acting Agency Heads that will run their respective organizations until his Senate-confirmable nominees are installed:
- Central Intelligence Agency, David Cohen
 - Department of Defense, David Norquist
 - Department of Energy, David Huizenga
 - Department of Health and Human Services, Norris Cochran
 - Department of Homeland Security, David Pekoske
 - As a reminder, nominee Alejandro Mayorkas' confirmation will likely be slowed by Sen. Josh Hawley's (R-MO) objection to moving quickly on the nomination.
 - While Administrator Pekoske is serving as Acting Secretary, Darby LaJoye will perform the duties of the Transportation Security Administration (TSA) Administrator.
- Department of Justice, Monty Wilkinson
 - Department of Labor, Al Stewart
 - Department of State, Dan Smith
 - Department of Treasury, Andy Baukol
 - Office of the Director of National Intelligence, Lora Shiao
 - Office of Management and Budget, Rob Fairweather
 - Office of the U.S. Trade Representative, Maria Pagan
 - Small Business Administration, Tami Perriello
 - General Services Administration, Katy Kale
 - National Aeronautics and Space Administration, Steve Jurczyk
 - National Endowment for the Arts, Ann Eilers
 - National Endowment for the Humanities, Adam Wolfson
 - Office of National Drug Control Policy, Regina LaBelle
 - Office of Personnel Management, Kathy McGettigan
 - Social Security Administration, Andrew Saul
 - U.S. Agency for International Development, Gloria Steele
 - U.S. International Development Finance Corporation, Dev Jagadesan
 - U.S. Mission to the United Nations, Rich Mills
- Gene Kimmelman will temporarily serve as the Associate Attorney General until President Biden's picks have been installed. Kimmelman was previously a member of the Biden Transition Team for the Department of Justice, a former Chief Counsel to the Assistant Attorney General for Antitrust under President Obama, and a former Senate staffer.

- Surgeon General Jerome Adams resigned from his position today after a request from President Biden to do so. As a reminder, President Biden nominated Vivek Murthy to be Surgeon General, though his Senate confirmation hearing has not yet been scheduled.
- President Biden selected additional Administration officials to work on China and climate policy, two significant priorities of his agenda.
 - Ely Ratner will serve as the Principal Adviser on China for the Secretary of Defense. Ratner previously served as then-Vice President Biden's Deputy National Security Adviser and in the State Department's Office of Chinese and Mongolian Affairs.
 - Andrew Light will serve as Principal Deputy Assistant Secretary at the Department of Energy's Office of International Affairs. Light is a Senior Fellow at the World Resources Institute.
 - Elan Strait will serve as Senior Adviser on Climate Issues at the State Department. Strait is the Director of U.S. Climate Campaigns for the World Wildlife Fund.

COVID-19

- President Biden instituted a mask mandate for all federal buildings, federal lands, and federal workers today, as mentioned above. Tomorrow, he is expected to impose a mask mandate for interstate travel.
- Multiple defense companies have begun to lobby state governments to secure priority access to COVID-19 vaccines for their factory employees. The next phase of vaccine distribution will cover essential front-line workers, which the companies are arguing should include defense industrial base employees.
- President Biden issued an Executive Order extending the federal moratorium on evictions through March 31. The order also included a call to Congress to provide additional rental assistance and further extend the moratorium.
 - As a reminder, the end-of-year COVID-19 relief package included \$25B in rental assistance and extended the eviction ban through the end of January.

Congress

Senate

- Sens. Jon Ossoff (D-GA), Raphael Warnock (D-GA), and Alex Padilla (D-CA) were sworn into the Senate today. With the inauguration of Vice President Harris, Democrats now have control of the Senate. Sen. Patrick Leahy (D-VT) was also sworn in as president pro tempore of the Senate.
- Senate Majority Leader Chuck Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) met again today to determine how power will

be shared within the Senate. It was reported that Leader Schumer proposed that they adopt the same power-sharing agreement as was used the last time the Senate was evenly split. Elevate shared more information on this dynamic in our [50-50 Senate Primer](#).

- Leader McConnell continues to seek an assurance that the filibuster will not be eliminated, but Leader Schumer has not committed to that.
- Sens. Tammy Baldwin (D-WI) and Chris Murphy (D-CT), along with 24 other Senate Democrats, sent a [letter](#) to President Biden urging him to use executive action, as authorized by the DPA, to quickly increase nationwide production of medical equipment, testing supplies, and personal protective equipment (PPE).
- It is being reported that Leader Schumer is considering selecting Sen. Gary Peters (D-MI) to lead the Democratic Senatorial Campaign Committee (DSCC).

House

- Rep. Sharice Davids (D-KS) introduced a bill ([H.R. 346](#)) to create a grant program for small businesses to shift their production facilities to manufacture critical COVID-19 medical supplies.
- Rep. Sylvia Garcia (D-TX) and 11 other House Democrats introduced a bill ([H.R. 348](#)) that would require face masks to be worn in all federal facilities.
- Reps. Ann Kuster (D-NH) and Hakeem Jeffries (D-NY) introduced the Coronavirus Vaccine and Therapeutic Development Act ([H.R. 349](#)) to facilitate the mass production and distribution of COVID-19 vaccines and therapeutics.
 - According to a [press release](#), the bill would increase investments in manufacturing capacities and foster supply chain transparency by requiring a cross-agency report.
- Reps. Joseph Morelle (D-NY) and Mark Takano (D-CA) introduced a bill ([H.R. 352](#)) to create a nationwide initiative for COVID-19 testing, contact tracing, and pandemic response.
- Rep. Greg Steube (R-FL) introduced a bill ([H.R. 358](#)) to require the Department of Transportation (DOT) to amend hours of service regulations.
- Rep. Greg Steube (R-FL) introduced a bill ([H.R. 363](#)) to restrict major professional sports leagues from being classified as tax-exempt organizations.

- Budget Committee Chair John Yarmuth (D-KY), Appropriations Chair Rosa DeLauro (D-CT), and Rep. Mike Quigley (D-IL) sent a letter, which is attached, to President Biden's Office of Management and Budget (OMB) nominee, Neera Tanden, and Acting OMB Director Robert Fairweather, urging them to reject former President Trump's spending cut proposals.
 - Last week, President Trump proposed a \$27.4B package of spending cuts, including a \$4B rescission of emergency funding for a global health and vaccine distribution program. The lawmakers asked that this rescission not be executed.
 - Additionally, the Members asked that Tanden and Fairweather reverse personnel moves made under the Trump Administration that removed apportionment responsibilities from career civil servants and moved them to political appointees.

Administration

- Treasury Secretary nominee Janet Yellen intends to create a climate hub within the Department of the Treasury, which would focus on the financial risks and tax incentives of the Administration's climate policy.
 - Climate Envoy John Kerry will also be tasked with advancing the Administration's climate agenda globally. There have been calls from foreign leaders for the U.S. to pass emissions reduction legislation, increase global financial assistance, and encourage other countries to make their own climate goals.
- It is expected that President Biden's first budget proposal will be delayed after the Biden transition team was blocked from accessing policy analyses from OMB. A president's first budget proposal is usually released in early February.
- President Biden's anticipated immigration reform package, the U.S. Citizenship Act of 2021, reportedly will establish a path for 11M undocumented immigrants to receive temporary legal status, green cards, and eventually citizenship. Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) recipients will immediately be eligible for green cards.
 - The bill will move away from the Trump Administration's border wall to favor increased technology and infrastructure at the border.
 - Additionally, a \$4B interagency plan will be established to provide aid to El Salvador, Guatemala, and Honduras. The plan will aim to address the root causes of immigration by decreasing poverty, corruption, and violence.
- During the last day of the Trump Administration, the Federal Communications Commission (FCC) took multiple actions.

- The annual [Broadband Deployment Report](#) was released, finding that “the number of American consumers living in areas without access to fixed broadband at 25/3 Mbps has been nearly cut in half.” However, 14M Americans still lack broadband, leading both Democratic FCC Commissioners to question the report’s findings.
 - The FCC blocked the Trump Administration’s request to stay the Ligado order in a 3-2 vote along party lines. Chair Ajit Pai, who will resign today, said that the FCC reaffirmed the order as it is “in the best interest of the American people.”
- The Department of the Treasury and Small Business Administration (SBA) opened applications for First and Second Draw Paycheck Protection Program (PPP) loans yesterday. The Department of Treasury released [guidance](#) on how to calculate revenue reduction and maximum loan amounts.
 - Former President Trump issued an [Executive Order](#) “Protecting The United States From Certain Unmanned Aircraft Systems” on Monday. The order would direct federal agencies to analyze their authority to block the procurement of drones made in China, specifically from drone manufacturer DJI.
 - As a reminder, language prohibiting the purchase of foreign-made drones was removed from the final version of the National Defense Authorization Act (NDAA).
 - Former President Trump also issued an [Executive Order](#) “Taking Additional Steps to Address the National Emergency with Respect to Significant Malicious Cyber-Enabled Activities” prior to leaving office. The order directs the Department of Commerce to prevent cloud providers from providing service to known hackers or any person in a “foreign jurisdiction [that] has any significant number” of hackers.
 - This order would restrict cloud companies’ foreign operations and require them to record the identities of foreign customers.
 - Early this morning, former President Trump revoked his Administration’s ethics rule that required political appointees to wait five years before conducting lobbying activities related to the agency for which they worked. Former President Bill Clinton did the same on his way out of office. The rule also imposed a lifetime ban on lobbying for foreign governments.
 - By revoking this rule, former Trump officials no longer have restrictions on lobbying activities.

Other News

- TechNet and the Information Technology Industry Council joined a [letter](#) by the National Immigration Forum urging the Biden Administration and

Congress to quickly pass comprehensive immigration reform, including improvements to high-skilled worker visas.

- Members of the Information Technology Industry Council include Microsoft, Facebook, Google, Apple, Amazon, IBM, and Oracle.
- The World Economic Forum Report released its [Future of Jobs Report 2020](#), which found that though the top ten most in demand jobs are in the tech industry, the positions are not being filled. According to the report, 40% of American employers are having difficulty finding properly skilled applicants.
 - In order to fill these positions and recover for the COVID-19 pandemic, companies will need to implement reskilling programs. Many companies, including the Chamber of Commerce, have called on the government to support these reskilling programs.
- Airports Council International – North America [released](#) its updated financial projections for U.S. airports. As passenger air traffic continues at decreased levels, it is projected that airports will lose \$17B from April 2021 to March 2022, after losing \$23B between March 2020 and March 2021.

Federal Register Notices

- The Centers for Disease Control and Prevention (CDC) released an Agency Order to require negative COVID-19 tests before departure for all international air travelers into the U.S., effective January 26. The notice can be found [here](#).
- The Federal Aviation Administration (FAA) requested comments on the renewal of an information collection on the Anti-Drug Program for Personnel Engaged in Specific Aviation Activities. Comments are due by February 22. The notice can be found [here](#).
- The FAA requested comments on the renewal of an information collection on Certification Procedures for Products and Parts, specifically for aircraft, aircraft engines, propellers, appliances, and parts. Comments must be submitted by February 22. The notice can be found [here](#).
- The FCC renewed the charter of the Disability Advisory Committee and announced a Committee meeting that will take place on February 18 at 1:30pm ET. The notice can be found [here](#).
- The Department of Health and Human Services issued a final rule amending the Vaccine Injury Table, specifically petitions for compensation under the National Vaccine Injury Compensation Program. The rule does not apply to COVID-19 vaccines. The rule is effective February 22. The notice can be found [here](#).

- The Cybersecurity and Infrastructure Security Agency (CISA) announced a meeting of the President's National Security Telecommunications Advisory Committee that will take place on February 10 from 1:00-2:00pm ET. Registration requests must be received by February 3. The notice can be found [here](#).
- The International Trade Administration announced a meeting of the United States Travel and Tourism Advisory Board that will be held on February 10 from 3:00-4:00pm ET. The notice can be found [here](#).
- DOT requested comments on its Automated Vehicles Comprehensive Plan, which discusses safe and full integration of Automated Driving Systems (ADS) into the surface transportation system. Comments are due by March 22. The notice can be found [here](#).