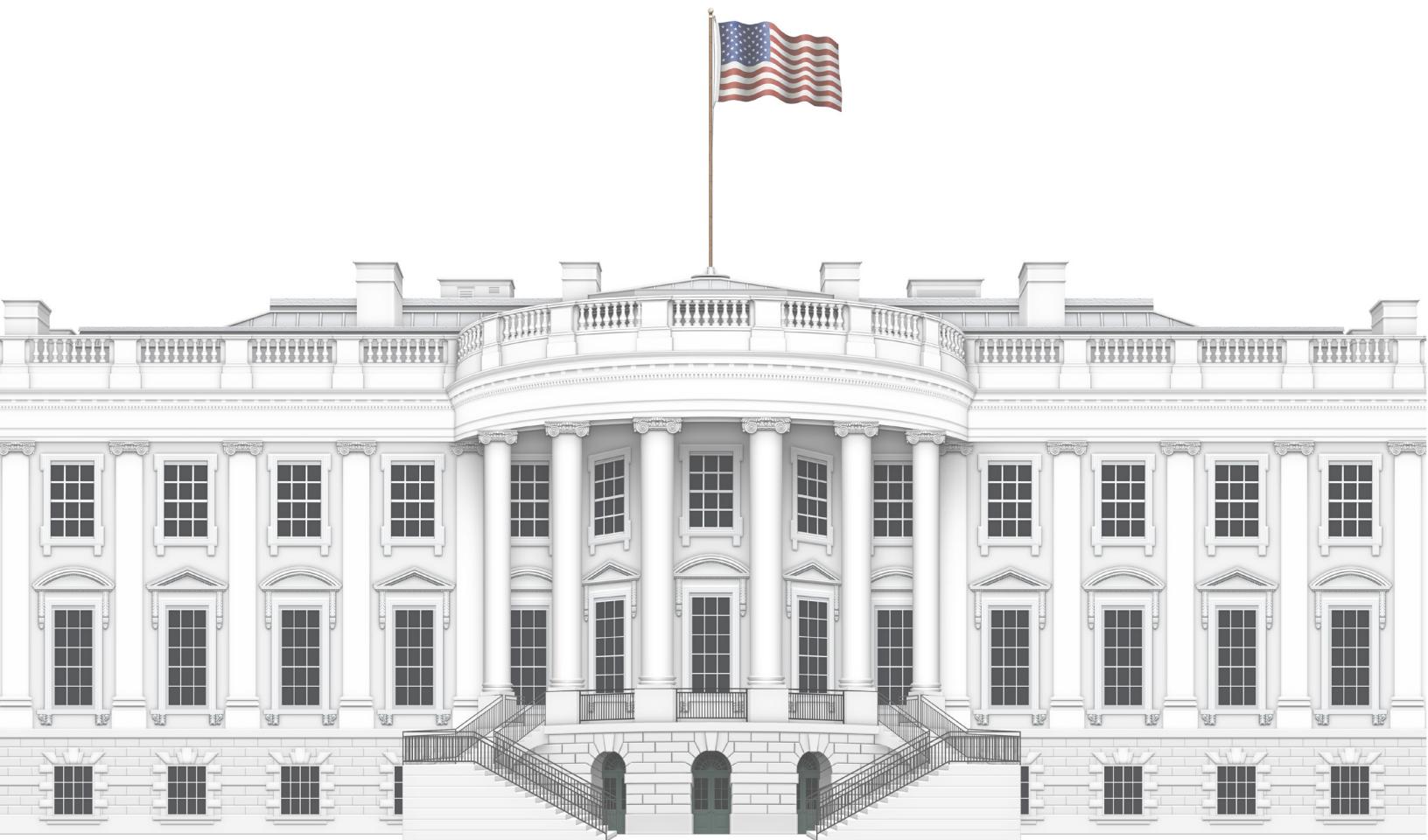


# OUTLOOK FOR THE BIDEN ADMINISTRATION'S FIRST 100 DAYS

---

Tiber Creek Group | November 16, 2020



## OUTLOOK FOR THE BIDEN ADMINISTRATION'S FIRST 100 DAYS

When President-elect Joe Biden is sworn in on January 20th, 2021, he will face a virtually unprecedented set of challenges for a new President: a pandemic that is growing worse in the United States, the accompanying economic fallout, a deeply divided country, and concerns over racial justice and equity. Additionally, scientific experts are warning of a growing, global climate crisis the United States needs to help address. Confronting any one of those challenges would be difficult in a normal first term. Confronting them all at once is exceptionally daunting. Moreover, as of this moment Biden will face a Democratic House with a slim margin for the majority, and a Senate controlled by Republicans with a 50-48 margin. The two runoff elections in Georgia will determine whether Republicans will increase their majority, or Democrats will control a 50-50 Senate with Vice President Harris as the tiebreaker.

Over the first 100 days of his Administration, Biden's first and biggest priority will be addressing the pandemic and the economy. He is likely to take a number of executive and regulatory actions while pursuing legislative initiatives, though there are still discussions regarding whether to take incremental steps or push early for a large legislative package. Biden is also very likely to take a number of executive actions regarding racial justice, immigration, healthcare, foreign policy and climate change. Additionally, Biden pledged on the campaign to propose legislation on Day One to roll-back the Tax Cuts and Jobs Act. As with all Administrations, there will be a heavy focus on filling the 1,200 appointments that require Senate confirmation. Finally, the Administration is required by law to submit a budget request to Congress by February 1st (though this date often slips when a new President is sworn-in). We do not expect a divided Congress to produce a Budget Resolution, but the President's budget will guide appropriations decisions.

Of note, at this point, the Biden transition team is still planning their legislative strategy and timing of initiatives. Should Democrats win both Senate seats in Georgia, there will be a shift in legislative strategy (e.g., a Budget Resolution with reconciliation instructions). We fully anticipate the initial legislative focus will be on pandemic response regardless of which party controls the Senate. However, should Democrats control both chambers, there will likely be an effort to coordinate the timing and sequence of major priorities. Finally, transition agency review teams are expected to deliver reports on pending regulations and policies in early December. These reports are likely to lead to additional Executive Orders and regulatory proposals.

### EXPECTED EARLY EXECUTIVE ACTIONS

President Biden is expected to use executive authority to take a number of early actions. He has stated that among his "Day One" priorities are:

- Appoint COVID supply commander and pandemic board to oversee testing/tracing
- Reverse the process for leaving the World Health Organization
- Re-enter Paris Climate Accord

- Reverse President Trump's actions on the Affordable Care Act
- Establish a Federal Police Oversight Board
- Reinstatement of DACA protections
- End border family separations
- End Muslim travel ban
- Direct the Department of Housing and Urban Development to develop plan to end homelessness
- Restore federal workers' rights to unionize
- Begin a Domestic Supply Chain Review

## COVID/ECONOMIC RELIEF

President-elect Biden has stated that his first priority will be getting the pandemic under control. On November 9th, he announced the initial members of his COVID task force. This group is comprised of public health experts and co-chaired by Dr. David Kessler, Dr. Vivek Murthy, and Dr. Marcella Nunez-Smith. President-elect Biden has laid out a seven-point plan for combating the virus.

As part of his plan, the President-elect will ask Congress to pass emergency COVID legislation that would include resources for schools, relief for state and local governments facing budget shortfalls, and relief for small businesses to cover operating costs for safety measures. As stated above, the size and scope of such legislation are still being determined and could be affected by efforts to pass related legislation during the lame duck session.

EXECUTIVE ACTIONS	LEGISLATIVE PROPOSALS
Use of Defense Production Act to bolster PPE	Increase access to free testing
Establishment of Racial and Ethnic Disparities Task Force	Establish a U.S. Public Health Jobs Corp.
Establishment of National Pandemic Dashboard to track transmission	\$25 billion to ensure vaccines are cost free for Americans
Reestablish the White House National Security Council Directorate for Global Health Security	Additional resources for state and local governments
Cancel process for US withdrawal from the World Health Organization	Additional relief for small businesses
Vaccine and treatment distribution plans	Additional relief for schools
	Extension of enhanced unemployment benefits

## EXECUTIVE ACTIONS, CONT.

Establish a nationwide mask mandate for all federal property and advocate for state and local mask mandates

Federal guidance for state and local communities on best practices

Review of domestic supply chains

Potential federal COVID special enrollment period for ACA

Concurrent with addressing the health crisis, the Biden Administration will also focus on the economic consequences of the pandemic. Many of the policies discussed during the campaign would require legislation and will require negotiations with Republicans in order to pass. As part of a rebuilding plan, the Biden Administration is expected to propose a large infrastructure package that would include funding for resilient energy grids and universal broadband. This package also will likely focus on using clean energy technologies. The Administration is also expected to offer proposals on a number of economic issues, including expansion of child-care support, an increase in the federal minimum wage, and support for home and community-based care for older Americans. Additionally, Biden will advocate for congressional passage of the PRO Act, the Paycheck Fairness Act, and universal sick days and twelve weeks of paid family leave.

## RACIAL JUSTICE

The Biden Administration has named racial equity as one of its top priorities. Initial work will be a mix of executive actions and legislative proposals. On the executive front, the Administration will establish a Federal Police Oversight Board, reform federal procurement rules, work to ensure diversity in leadership across all federal agencies, and include an investment of \$300 million in community policing initiatives in his first budget.

Biden will call on Congress to pass numerous pieces of legislation, including extending the Voting Rights Act, reforming opportunity zones, passing criminal justice reform (the SAFE Justice Act) and ensuring that infrastructure and climate-related legislation addresses traditional disparate impacts.

## IMMIGRATION

The Biden Administration will take executive actions to reverse many of the Trump Administration's immigration policies. Notable early actions are expected to include the reinstatement of DACA protections, rolling back the public charge memo, a rollback of Muslim travel bans and efforts to

reunite separated families and restore the asylum system. Biden is also likely to propose legislation that would create a pathway to citizenship. They are also reviewing a temporary moratorium on deportations, ICE policies and the recent Trump Administration changes to the H-1B and other visa programs.

## **HEALTHCARE**

Beyond ending the pandemic, the Biden Administration's initial health care priorities will focus on strengthening and expanding the Affordable Care Act. While unlikely to push legislation during the first 100 days, we anticipate a number of executive actions to be taken, including:

- Reinstatement of ACA transgender and contraception protections
- Restoring enrollment and marketing funding
- Limitations on "short term junk plans"
- Reproductive rights – including ending the global "gag rule"
- Roll back 1332 State Flexibility and Medicaid waivers, e.g. block grant/work requirements
- Federal special enrollment period (SEP) for COVID

In a speech given on November 10th, Biden pledged to "work quickly with Congress to dramatically ramp up health care protections, get Americans universal coverage, lower health care costs as soon as humanly possible."

## **FOREIGN POLICY**

During the campaign, Biden announced that during the first 100 days of his Administration, he would host a climate summit and, as stated above, re-enter the Paris Climate Accord. The Administration will seek to repair our relationships with traditional allies, including recommitting to NATO. Biden will also likely start preparations for a summit on global democracy. He will cancel the process for the US to leave the World Health Organization. Additionally, the START II treaty with Russia is set to expire on February 5th, so this is likely to be an early diplomatic priority.

## **CLIMATE CHANGE**

Climate change has been one of the top priorities for the Biden campaign, and we expect early executive action as well as legislative proposals. During the campaign, Biden offered a plan to get the United States to net-zero carbon emissions by 2050. In addition to re-entering the Paris Accord and planning a climate summit, the first Biden budget will likely contain increased investments in clean energy and technology, as well as proposals to spur innovation in transportation technology and infrastructure. The Biden Administration is expected to establish climate policies across all federal agencies.

## MANUFACTURING/BUY AMERICA

A core pillar of Biden's economic agenda has focused on revitalizing and retooling American manufacturing through strengthening Buy America requirements. As such, the Biden Administration may take early action to tighten domestic content rules for federal procurement to require more American content. Biden also has pledged to close Buy America waiver loopholes, ending false advertising of products labeled "Made in America," and extending Buy America provisions to other forms of government assistance, including investments in research and development.

## TIMELINE: CRITICAL DATES

- **January 3rd** – New Congress convenes
- **January 5th** – Special elections in Georgia for two US Senate seats
- **January 20th** – Swearing In
- **February 1st** – Traditional Date for President to Submit Budget (first Monday in February – though this has slipped in the past)
- **February 5th** – START II Treaty with Russia Expires
- **April 30th** – 100th Day
- **July 6th** – Date US is currently set to leave the World Health Organization

*The Tiber Creek Group is one of the largest independent government relations firms in Washington. We have years of bipartisan engagement at the highest levels of all branches of government - including presidential transitions - regardless of party. In Congress, we've been in the middle of the most important legislative initiatives – from Dodd-Frank to the Affordable Care Act to the Tax Cuts and Jobs Act to significant trade agreements – serving on both sides of the aisle in crucial roles. Our track record proves the difference - we work hard to ensure our clients are engaged early in the process, as long-term collaboration with Washington policymakers is key to success.*