

What to Expect from the Biden Administration

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Today's Presenter



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Bruce concentrates his practice in governmental and regulatory activities, including legislative representation and counsel before the United States Congress and the North Carolina General Assembly, strategy formulation, bill drafting, preparation of testimony for legislative committees, and appearances before state and federal executive agencies.



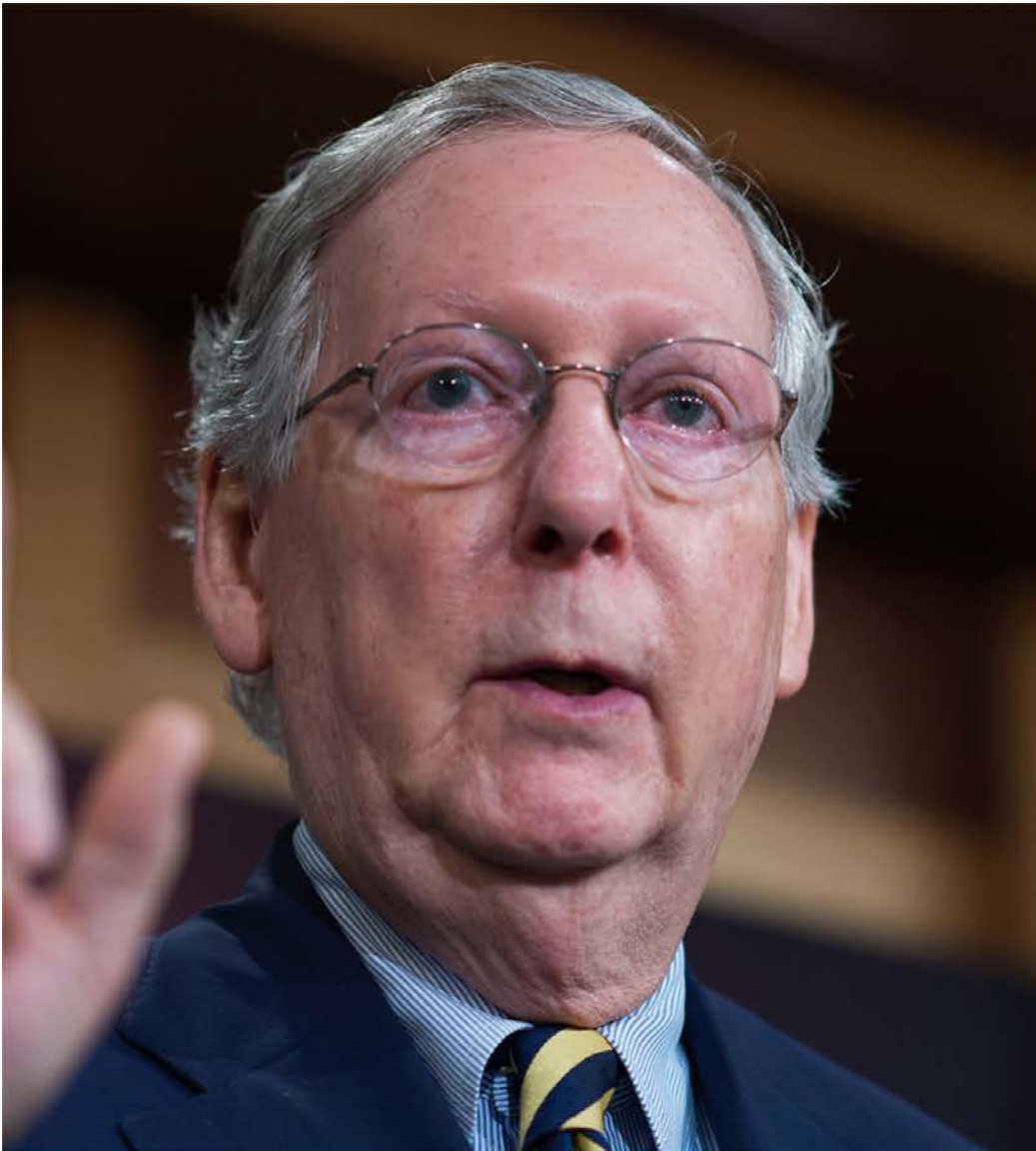
The Players











THE “CENTRAL 16”

- Mitt Romney (R – UT)
- Lisa Murkowski (R – AK)
- Susan Collins (R - ME)
- Jerry Moran (R – KS)
- Shelley Moore Capito (R - WV)
- Todd Young (R - IN)
- Rob Portman (R – OH)
- Bill Cassidy (R - LA)
- Joe Manchin (D - WV)
- Mark Warner (D – VA)
- Maggie Hassan (D - NH)
- Jeanne Shaheen (D - NH)
- Mark Kelly (D - AZ)
- John Hickenlooper (D – CO)
- Dick Durbin (D - IL)
- Angus King (I – ME)

Tracking Biden's picks for Cabinet-level and high-ranking posts

Cabinet Nominees

✓ = NOMINATED, MUST BE CONFIRMED BY SENATE



✓ Antony Blinken
SECRETARY OF STATE

CONFIRMED

Blinken was a deputy national security adviser and deputy secretary of State during President Barack Obama's administration.



✓ Janet Yellen
TREASURY SECRETARY

CONFIRMED

If confirmed, Yellen would be the first female Treasury secretary. Yellen, a widely respected labor economist, was the first woman to serve as chair of the Federal Reserve from 2014 to 2018.



✓ Lloyd Austin III
DEFENSE SECRETARY

CONFIRMED

Austin is a retired Army general and the former commander of U.S. Central Command.

Austin would require a waiver to serve as secretary, like former Secretary Jim Mattis, as he has not been out of the military for the required seven years.



✓ Merrick Garland
ATTORNEY GENERAL

NOMINATED

Garland was previously the chief judge of the U.S. Court of Appeals in Washington, D.C.

In 2016, Garland was nominated to the Supreme Court by Obama, though his nomination was never brought to a vote in the Senate.



✓ Deb Haaland
INTERIOR SECRETARY

NOMINATED

If confirmed, Haaland will be the first Native American Cabinet secretary.

She was one of the first two Native American women elected to Congress and at the time of her nomination was vice chair of the Natural Resources Committee.

Cabinet Nominees

✓ = NOMINATED, MUST BE CONFIRMED BY SENATE



✓ Tom Vilsack
AGRICULTURE SECRETARY
NOMINATED

Vilsack previously served as President Barack Obama's secretary of Agriculture for eight years and was also previously the governor of Iowa. Vilsack was selected in order to focus on rural communities, farmers and low-income families.



✓ Gina Raimondo
COMMERCE SECRETARY
NOMINATED

At the time of her nomination, Raimondo was governor of Rhode Island. She was previously the state's general treasurer. She previously worked in venture capital and founded her own firm.



✓ Marty Walsh
LABOR SECRETARY
NOMINATED

At the time of his nomination, Walsh was the mayor of Boston. Prior to his election as mayor, he served as a union president and was also a state representative from 1997 to 2013.



✓ Xavier Becerra
HHS SECRETARY
NOMINATED

If confirmed, Becerra will be the first Latino Health and Human Services secretary. Becerra succeeded Kamala Harris as California's attorney general. He was previously a U.S. representative for more than two decades.



✓ MARCIA FUDGE
HUD SECRETARY
NOMINATED

At the time of her nomination, Fudge was a U.S. representative from Ohio. She was also mayor of Warrensville Heights for eight years prior to her time in the House. Fair housing is expected to be a top priority at HUD during the Biden administration.

Cabinet Nominees

✓ = NOMINATED, MUST BE CONFIRMED BY SENATE



✓ **Pete Buttigieg**
TRANSPORTATION SECRETARY
NOMINATED

If confirmed, Buttigieg would be the first openly LGBT Cabinet secretary.

Buttigieg was formerly mayor of South Bend, Ind., and ran for president in the 2020 Democratic primary season. He also previously served in the U.S. military and as a consultant for McKinsey.



✓ **Jennifer Granholm**
ENERGY SECRETARY
NOMINATED

Granholm was the first woman elected governor of Michigan and previously served as the state's attorney general. She founded the American Jobs Project, a national initiative to promote clean energy.



✓ **Miguel Cardona**
EDUCATION SECRETARY
NOMINATED

At the time of his nomination Cardona was Connecticut's commissioner of education. He is also a former public school teacher.

In a statement following the announcement, the transition team said one of Cardona's priorities would be safely reopening schools amid the Covid-19 pandemic



✓ **Denis McDonough**
VA SECRETARY
NOMINATED

From 2013 to 2017, McDonough was President Barack Obama's chief of staff. He was also previously a national security adviser for Obama. He is not a veteran; often the VA secretary is someone who has served in the military.



✓ **Alejandro Mayorkas**
DHS SECRETARY
NOMINATED

If confirmed, Mayorkas will be the first Latino Homeland Security secretary.

Mayorkas served as deputy DHS secretary in the Obama administration from 2013 to 2016.

Cabinet-level and Other High-ranking Officials



✓ Katherine Tai
US TRADE REPRESENTATIVE
NOMINATED

If confirmed, Tai would be the first woman of color and Asian American to serve as USTR.

At the time of her nomination, Tai was a lawyer for the House Ways and Means Committee. She previously led China enforcement at USTR.



✓ Avril Haines
DIR. OF NAT'L. INTELLIGENCE OMB DIRECTOR
NOMINATED

If confirmed, Yellen would be the first female Treasury secretary.

Yellen, a widely respected labor economist, was the first woman to serve as chair of the Federal Reserve from 2014 to 2018.



✓ Neera Tanden
WHITE HOUSE BUDGET CHIEF
NOMINATED

At the time of her nomination, Tanden was president of the Center for American Progress, a think tank in Washington, D.C. She was an adviser to Hillary Clinton's 2016 presidential campaign and has advised other Democratic presidential campaigns.



✓ Michael Regan
EPA ADMINISTRATOR
NOMINATED

If confirmed, Regan would be the first Black man to serve as EPA administrator.

At the time of his nomination, Regan was secretary of North Carolina's Department of Environmental Quality. He has previously worked at the EPA under Republican and Democratic presidents.



✓ Isabel Guzman
SBA ADMINISTRATOR
NOMINATED

Guzman is currently the director of California's Office of the Small Business Advocate. She previously worked at the SBA during the Obama administration.

Cabinet-level and Other High-ranking Officials



✓ Linda Thomas-Greenfield
U.N. AMBASSADOR

NOMINATED

Thomas-Greenfield is a veteran diplomat who was an assistant secretary of State during the Obama administration.



✓ Vivek Murthy
SURGEON GENERAL

NOMINATED

Murthy previously served as surgeon general in the Obama administration beginning in 2014, and as a holdover in the early Trump administration. He is a former vice admiral in the Public Health Service Commissioned Corps and is also a member of Biden's Covid-19 task force.



✓ Cecilia Rouse
CHAIR, COUNCIL OF ECON. ADVISERS

NOMINATED

If confirmed, Rouse would be the first Black woman to chair the Council of Economic Advisers.

At the time of her nomination, Rouse was dean of the Princeton School of Public and International Affairs. She was previously a member of Obama's CEA and President Bill Clinton's National Economic Council.



✓ Brenda Mallory
COUNCIL ON ENVIRONMENTAL QUALITY CHAIR

NOMINATED

If confirmed, Mallory would be the first African American to serve as CEQ chair.

At the time of her nomination Mallory was the director of regulatory policy for the Southern Environmental Law Center. She served as general counsel for the CEQ during the Obama administration.



✓ Rochelle Walensky
CDC DIRECTOR

NOMINATED

If confirmed, Walensky will be the third woman to head the CDC.

At the time of her nomination, Walensky was the chief of the Division of Infectious Diseases at Massachusetts General Hospital and a professor at Harvard Medical School.

Cabinet-level and Other High-ranking Officials



JOHN KERRY
SPECIAL ENVOY FOR CLIMATE

NOT A SENATE-
CONFIRMED ROLE

Kerry was secretary of State during Obama's second term. He also helped negotiate and signed the Paris climate agreement to lower greenhouse gas emissions. He was the Democratic presidential nominee in 2004.



RONALD KLAIN
CHIEF OF STAFF

NOT A SENATE-
CONFIRMED ROLE

Klain was a senior adviser to the Biden campaign, vice presidential chief of staff from 2009 to 2011 and was appointed by the Obama administration to coordinate its response to the Ebola pandemic.



JAKE SULLIVAN
NAT'L SECURITY ADVISER

NOT A SENATE-
CONFIRMED ROLE

Sullivan was Biden's national security adviser during the Obama administration.

The Issues

COVID-19 EXECUTIVE ORDERS

- President Biden already signed an executive order extending a federal moratorium on evictions until at least March 31 .
- The President is also invoking the Defense Production Act to increase the supply of all the materials needed to get vaccines into arms and ramp up testing.
- On workplace issues, a Biden order aims to strengthen enforcement against employers who put their workers at risk of contracting Covid-19.
- Another order will approve more FEMA funding to help states reopen schools

COVID-19 LEGISLATION

- Democrats on the Hill and incoming administration officials have been privately discussing several potential paths to bringing legislation to the floor quickly.
- In the House, the path of least resistance would be to move a smaller bill that focuses on vaccine distribution funding and stimulus checks — an idea some Democrats have said could get a vote as soon as next week and the potential for bipartisan buy-in.
- Democrats are prepared to deploy reconciliation quickly if Biden's package fails to garner enough GOP support.

COVID-19 LEGISLATION

- “Everything is on the table.”
- \$1.9 trillion emergency relief plan.
- \$400 billion for provisions to fight the coronavirus with more vaccines and testing, while reopening schools.
- More than \$1 trillion in direct relief to families, including through stimulus payments and increased unemployment insurance benefits
- \$440 billion for aid to communities and businesses, including \$350 billion in emergency funding to state, local and tribal governments.

ENVIRONMENT

- Biden used his first hours in office to rejoin the Paris climate accord and begin overturning more than 100 environmental actions taken by the Trump administration.
- Treasury Secretary Janet Yellen pledged to create a team to focus on climate change.
- In a hearing before the Senate Finance Committee, Yellen said she planned to start a new Treasury "hub" that would examine financial system risks arising from climate change and on related tax policy incentives. She also intends to appoint a "very senior-level" official to lead climate efforts.

ENVIRONMENT

- EPA has withdrawn its remaining regulations under review at the White House's Office of Management and Budget, part of the Biden administration's effort to claw back any pending regulations from the Trump administration.
- The rules that were pulled dealt with biofuels, air pollution and oil dispersants.
- The Biden administration likely will pursue some version of these rulemakings in the future, but for now the agency has yanked versions generated under Trump for reconsideration.

ENVIRONMENT

- The factions pushing to influence Biden's agenda have far different priorities — including green groups that want to ban all oil and gas drilling, automakers anticipating new markets for electric cars and fossil fuel companies that hope climate action will leave room for them to continue to produce oil and gas.
- Biden has tied his plan to an economic stimulus — a move that's drawn support from groups like the Chamber of Commerce, which previously opposed aggressive action from the federal government, as well as companies that are taking action at the behest of their customers and investors.

INFRASTRUCTURE

- Biden wants to spend \$2 trillion on infrastructure, including \$50 billion on road and bridge repairs just in his first year in office, along with a significant focus on building out transit in high-poverty areas, and on high speed rail.
- The most efficient way to create new revenue, at least for things like roads and bridges, rail and transit, is to boost the federal tax on gasoline, which hasn't been raised since 1993.
- But that's also one of the most politically toxic options, perennially broached and then shoved aside as too difficult to do, even in times of prosperity and low unemployment.

INFRASTRUCTURE

- Infrastructure advocacy groups, like the U.S. Chamber of Commerce and trade groups representing road builders and state transportation departments, support an increase in the federal gas tax.
- DOT Secretary-designate Pete Buttigieg does not support increasing the federal gas tax, a spokesperson said, backpedaling after Buttigieg said at his confirmation hearing that "all options" were on the table for funding infrastructure under the Biden administration.
- Transportation policy experts believe that eventually a shift will need to be made to paying for infrastructure using a vehicle miles traveled fee, but Congress has proven it's not ready to act on that, and related major technological and policy challenges remain unsolved.

INFRASTRUCTURE

- House Energy and Commerce Chair Frank Pallone (D-NJ) intends to include major climate change provisions as part of the infrastructure package.
- Pallone said his committee's sweeping climate change legislative framework from last Congress — called the CLEAN Future Act — would serve as the “blueprint” for additional action in this Congress.
- Chances of success for such a package in the Senate would be slim.

TAX

- Treasury Secretary Janet Yellen suggested the Biden administration will wait until the economy is stronger before pushing tax increases.
- Asked about the prospect of Democrats raising taxes during the coronavirus pandemic, she told the Senate Finance Committee: “The focus right now is on providing relief, and on helping families keep a roof over their head and food on the table, and not on raising taxes.”

TAX

- “Longer term,” said Yellen, the administration would push to raise taxes for other things, such as a plan to boost infrastructure spending, that would come after coronavirus relief legislation. “In that context, there may be a need for additional financing,” she told the Senate Finance Committee.
- “We shouldn’t think about tax increases in the abstract — I think anything that is proposed should be focused on corporations and on high-income individuals, and in the context of a larger program,” Yellen said.

SEC

- Gary Gensler is Biden's nominee to serve as SEC Chair.
- Gensler is currently a professor at MIT's Sloan School of Management, previously served as Chairman of the Commodity Futures Trading Commission and is a former Goldman Sachs executive.
- SEC could focus on disclosures relating to climate change risk, political donations and boardroom diversity, while also potentially rethinking rules around stock buybacks.
- Gensler also likely to step up enforcement efforts at the agency and some are saying he will favor aggressive regulation for financial institutions and companies.

IMMIGRATION

- Biden's proposed legislation will include an expedited path to citizenship, allowing young immigrants known as Dreamers, certain farm workers and immigrants under Temporary Protected Status to immediately be eligible for green cards and then citizenship within three years.
- All other undocumented immigrants in the United States since January 1 would be eligible for green cards within five years and citizenship in eight years under the legislative proposal

TRADE

- Commerce Secretary nominee Gina Raimondo promised senators she would be tough on China if confirmed, but drew criticism after she refused to commit to keeping Chinese tech giant Huawei on the agency's blacklist.
- Raimondo also said she would combat China's "anti-competitive" trade practices using all of the department's available tools. But how will depend on the results of a review President Biden has promised into the tariffs that former President Trump imposed on more than \$350 billion worth of aluminum, steel and consumer goods.

TRADE

- President Biden signed an executive order Monday instructing the federal government to spend more of its \$600 billion procurement budget on U.S.-made products.
- The proposed changes to the government's Buy American program include stricter rules for products to qualify as made in America and a higher bar for bypassing those rules.
- U.S. companies have cautioned the Biden administration that changes to their overseas supply chains are time consuming and, in some cases, factories cannot easily be shifted back to the U.S.

TRADE

- The EU Ambassador urged President Joe Biden to make good on his promise to improve transatlantic relations by quickly lifting tariffs that former President Donald Trump imposed on steel and aluminum imports from Europe.
- Secretary-designate Raimondo pledged to senators that she would fast-track completion of a data transfer deal between the U.S. and Europe.
- Raimondo acknowledges that cross-border data transfers are vital to the interests of many American companies.

QUESTIONS?

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