



Monthly Legislative Report – January 2021

January Advocacy Meeting Summary

Congressman Alan Lowenthal (D-CA) – We have spoken with Congressman Lowenthal's staff numerous times this month. Discussion topics included the timeline for a surface transportation reauthorization, follow up on the alternative fuel excise tax credit, stimulus funding for transit and local governments, the budget reconciliation issues, T&I committee assignments, and possible priorities for T&I Committee leadership. We also followed-up on OCTA's letter of congratulations to Congressman Lowenthal for his re-election.

Congressman Lou Correa (D-CA) – We have been in regular communication with Congressman Correa and his staff this month to discuss updates on committee assignments, and President Biden's stimulus proposal that could be passed through the budget reconciliation process. We also reached out to staff to transmit a letter of congratulations and to discuss possible opportunities during the budget reconciliation process.

Congresswoman Katie Porter (D-CA) – We have been communicating with senior staff in Congresswoman Porter's office this month to discuss possible opportunities for new transit funding in upcoming stimulus/relief legislation and possible timeline for House action. We transmitted a letter of congratulations at the end of the month.

Congressman Mike Levin (D-CA) – We have been in communication with Congressman Levin's office regarding new committee assignments and near-term priorities for the 117th Congress, President Biden's climate proposals, upcoming stimulus legislation, and budget reconciliation. We also reached out to senior staff to follow-up OCTA's letter of congratulations.

Congresswoman Michelle Steel (R-CA) – We reached out and been in communication with Congresswoman Steel's Chief of Staff to follow up on OCTA's letter of congratulations. Congresswoman Steel was also named as the newest CA member to the House T&I Committee.

Congresswoman Young Kim (R-CA) – We have been in communication with Congresswoman Kim's staff to discuss support for additional COVID-19 relief funding to support transit operations.

Congressman Pete Aguilar (D-CA) – We met over the phone with Congressman Aguilar's office to discuss House Appropriations Committee assignments and the outlook for FY22 appropriations in the spring. We also discussed the next stimulus package and

the proposal that was released by the Biden Administration. We also discussed possible new funding programs to accelerate the deployment of zero-emission buses.

Congresswoman Grace Napolitano (D-CA) – We discussed with the Congresswoman's Chief of Staff possible T&I subcommittee assignment changes. We discussed the possibility of new California Members being added to the roster as well as the outlook for a surface transportation reauthorization in the spring.

House Appropriations: Transportation, Housing and Urban Development – We continued to meet with senior staff on the House THUD Appropriations Committee over the phone to discuss full Committee Chairwoman Lowey's (D-NY) priorities for FY22 and new committee assignments. We discussed the timing of the FY22 appropriations process and expectations for President Biden's 'President's Budget', and possible delays in the process. We also discussed a possible return to earmarks, which is supported by House Democrats and opposed by many House Republicans.

House Transportation and Infrastructure Committee – We had several phone conversations with senior staff in the Majority and Minority this month to discuss the timeline for a surface transportation reauthorization and the committee's goal for a May full Committee markup. Other topics included the TIFIA program, the CIG program, buy America regulations, transit formula funding programs, and new funding for zero-emission buses.

Senate Banking Committee – We followed-up with senior staff again this month to discuss possible timeline for finalizing Committee membership changes and Chairman Brown's (D-OH) possible priorities for the next Highway Bill.

117th Congress & Election Update

In January Democrats took majority control of the Senate for the 117th Congress after winning both of the runoff elections in Georgia and securing 50 seats in the Senate with Vice President Kamala Harris providing the tie-breaking vote after vacating her Senate seat on January 20th. Both Mitch McConnell (R-KY) and Chuck Schumer (D-NY) were reelected by their respective caucuses to lead their parties in the 117th Congress

Senate Majority Leader Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) have agreed upon a power sharing agreement in the Senate, however at the time of this report details have yet to be released. It is likely to be similar to the 2001 agreement that included equal party representation on committees that were chaired by the majority party (Democrats would serve as Chairs in this instance) and had equal numbers of staff for both parties, procedures for discharging bills blocked by tie votes in committees and called for equal scheduling and consideration of legislative and executive business.

House Transportation & Infrastructure Committee Roster (117th Congress)

(New additions highlighted)

Democrats (Majority)

Chair: Peter DeFazio (D-OR)

Eleanor Holmes Norton (D-DC)

Eddie Bernice Johnson (D-TX)

Rick Larsen (D-WA)

Grace F. Napolitano (D-CA)

Steve Cohen (D-TN)

Albio Sires (D-NJ)

John Garamendi, (D-CA)

Henry C. "Hank" Johnson, Jr. (D-GA)

André Carson (D-IN)

Dina Titus (D-NV)

Sean Patrick Maloney (D-NY)

Jared Huffman (D-CA)

Julia Brownley (D-CA)

Frederica S. Wilson (D-FL)

Donald M. Payne, Jr. (D-NJ)

Alan S. Lowenthal (D-CA)

Mark Desaulnier (D-CA)

Stephen F. Lynch (D-MA)

Salud O. Carbajal (D-CA)

Anthony G. Brown (D-MD)

Tom Malinowski (D-NJ)

Greg Stanton (D-AZ)

Colin Z. Allred (D-TX)

Sharice Davids (D-KS)

Jesús G. "Chuy" García (D-IL)

Antonio Delgado (D-NY)

Chris Pappas (D-NH)

Conor Lamb (D-PA)

Seth Moulton (D-PA)

Jake Auchincloss (D-MA)

Carolyn Bourdeaux (D-GA)

Kaiali'i Kahele (D-HI)

Marilyn Strickland (D-WA)

Nikema Williams (D-GA)

Marie Newman (D-IL)

Republicans (Minority)

Ranking Member: Sam Graves (R-MO)

Don Young (R-AK)

Rick Crawford (R-AR)

Bob Gibbs (R-OH)

Daniel Webster (R-FL)

Thomas Massie (R-KY)

Scott Perry (R-PA)

Rodney Davis (R-IL)

John Katko (R-NY)

Brian Babin (R-TX)

Garret Graves (R-LA)

David Rouzer (R-NC)

Mike Bost (R-IL)

Randy Weber (R-TX)

Doug LaMalfa (R-CA)

Bruce Westerman (R-AR)

Brian Mast (R-FL)

Mike Gallagher (R-WI)

Brian Fitzpatrick (R-PA)

Jenniffer Gonzalez Colon (R-PR)

Troy Balderson (R-OH)

Pete Stauber (R-MN)

Nancy Mace (R-SC)

Beth Van Duyne (R-TX)

Tim Burchett (R-TN)

Michael Guest (R-MS)

Jefferson Van Drew (R-NJ)

Carlos Gimenez (R-FL)

Nicole Malliotakis (R-NY)

Troy Nehls (R-TX)

Michelle Steel (R-CA)

Dusty Johnson (R-SD)

President Biden's COVID-19 Proposals

On January 15th, President Joe Biden released a \$1.9 trillion proposal to address the ongoing COVID-19 pandemic. House and Senate Democrats have started the budget reconciliation process to enact this proposal (or something similar). At her press briefing on January 28th where she discussed plans to move forward with the budget reconciliation resolutions, House Speaker Pelosi said that the reconciliation process is a backstop, and she would still prefer a bipartisan bill.

The concurrent resolution as introduced in the House can be found [HERE](#). It instructs the twelve committees to report legislation consistent with the budgetary targets outlined in the resolution (*figure 1*). Even though the resolution is only a framework for the committees, it is worth noting that Speaker Pelosi's press release stating that committees are being urged to provide:

- Funding for transit agencies deeply impacted by the pandemic.
- Funding for Amtrak and the aviation sector struggling with declining revenues and volumes due to COVID-19.

RECONCILIATION INSTRUCTIONS TO HOUSE COMMITTEES	
Deficit increase (2021-2030), billions of dollars	
Committee	Amount
Agriculture	16
Education & Labor	358
Energy & Commerce	188
Financial Services	75
Foreign Affairs	10
Natural Resources	1
Oversight & Reform	351
Science, Space, & Technology	1
Small Business	50
Transportation & Infrastructure	96
Veterans' Affairs	17
Ways & Means	941
Subtotal	2,103
Remove overlap	215
Total	1,889

Figure 1

The Concurrent Budget Resolution's Section-by-Section Summary is as follows:

Section 1. Concurrent Resolution on the Budget for Fiscal Year 2021.

This section declares that this resolution is the concurrent resolution for fiscal year 2021 and displays the table of contents of the resolution.

Section 1101. Recommended Levels and Amounts.

This section sets the budgetary levels for fiscal years 2021 through 2030. These budgetary levels include total federal revenues, new budget authority, budget outlays, deficits, public debt (debt that is subject to a statutory limit), and debt held by the public.

Section 1102. Major Functional Categories.

This section breaks down the levels of new budget authority and outlays for fiscal years 2021 through 2030 by each of the 20 major functional categories, based on allocations of the total levels set in section 1101.

Section 1201. Social Security in the Senate.

This section provides the amounts of Social Security revenues and outlays, and Social Security administrative budget authority and outlays, for the purpose of enforcement in the Senate. This is a requirement pursuant to the Congressional Budget Act of 1974.

Section 1202. Postal Service Discretionary Administrative Expenses in the Senate.

This section provides amounts of new budget authority and budget outlays for the Postal Service's discretionary administrative expenses for the purpose of enforcement in the Senate.

Section 2001. Reconciliation in the House of Representatives.

This section provides reconciliation instructions to 12 committees to submit changes in laws within their jurisdictions that will increase the deficit over the period of fiscal years 2021 through 2030 by no more than the amount specified for each committee. Because of overlapping committee jurisdictions in the House, the separate reconciliation instructions add up to more than \$1.9 trillion, but the levels in the budget resolution adjust for these double-counts and assume the net effect of changes in laws will not exceed \$1.9 trillion. The section also requires committees given reconciliation instructions to submit legislation to the Committee on the Budget by February 16, 2021 to carry out this section.

Section 3001. Reserve Fund for Reconciliation Legislation.

This section provides a reserve fund for reconciliation legislation enabling the chair of the House Budget Committee to revise committee allocations and other budgetary levels to accommodate such legislation, provided that it complies with reconciliation instructions under this concurrent resolution. This section also exempts reconciliation legislation reported by the chair of the House Budget Committee from the House pay-as-you-go point of order.

Section 3002. Reserve Fund for Deficit-Neutral Legislation.

This section enables the chair of the Committee on the Budget in the House of Representatives to revise committee allocations and other budgetary levels to accommodate legislation, provided such legislation would not increase the deficit over the specified periods.

Section 4001. Enforcement Filing.

This section provides for the procedures for filing committee allocations in the House and the Senate in the event a concurrent resolution is adopted without the appointment of a conference committee and the filing of a joint explanatory statement accompanying a conference report. In such a circumstance, the chairs of both the House and Senate Budget Committees shall submit a statement for publication in the Congressional Record establishing committee allocations.

Section 4002. Budgetary Treatment of Administrative Expenses.

This section requires a separate allocation to the Committee on Appropriations of the applicable House of Congress for discretionary administrative expenses of the Social Security Administration and the United States Postal Service. This section also clarifies that, for the purposes of enforcing section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total budget authority and outlays provided by a measure shall include these administrative expenses.

Section 4003. Application and Effect of Changes in Allocations, Aggregates, and other Budgetary Levels.

This section establishes the timing of when any adjustments of allocations, aggregates, and other budgetary levels made pursuant to this resolution take effect and stipulates that any adjustment shall be published in the Congressional Record as soon as practicable. It also clarifies that for the purposes of the resolution budgetary levels are determined on the basis of estimates made by the chair of the Committee on the Budget of the applicable House of Congress.

Section 4004. Adjustments to Reflect Changes in Concepts and Definitions.

This section gives the chairs of the House and Senate Budget Committees the authority to adjust budgetary levels in the concurrent resolution for any changes in budgetary concepts and definitions consistent with the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 4005. Adjustment for Changes in the Baseline.

This section gives the chairs of the House and Senate Budget Committees the authority to make adjustments to the budgetary levels in the concurrent resolution to reflect changes resulting from the Congressional Budget Office's baseline updates.

Section 4006. Limitation on Advance Appropriations.

This section continues the limitation in the House against legislation making advance appropriations except for certain accounts.

Section 4007. Exercise of Rulemaking Powers.

This section instructs that in each of the House and Senate the provisions in this title shall be considered as part of the rules of each House or of that House to which they specifically apply.

Since Congressional Democrats have cited support for implementing President Biden's "**American Rescue Plan**" proposal through the budget reconciliation process, a full summary is included below:

- Additional round of \$1,400 in direct aid to individuals (Stimulus checks)
- **State and Local Government**
 - \$350 billion in emergency funding for State and Local governments
 - \$3 billion of which for the Economic Development Administration (EDA)
 - \$20 billion in funding for transit agencies
- **Housing**
 - Additional \$25 billion in rental assistance (on top of the \$25 billion appropriated by Congress in December)
 - Extension of the eviction moratorium until September 30, 2021

- \$5 billion in additional emergency assistance to help secure housing for people experiencing or at risk of becoming homeless.
- **Vaccines and Testing**
 - \$20 billion in new funding for a national vaccine program, partnering with State and Local governments
 - Expand the Federal Medicaid Assistance Percentage (FMAP) to 100% for the administration of vaccines
 - \$50 billion for an expansion of testing, including rapid testing
 - An expansion of Community Health Centers
 - \$30 billion for the Disaster Relief Fund to provide more PPE
 - 100% federal reimbursement for critical emergency response resources to State and Local governments
 - \$10 billion for domestic manufacturing of pandemic supplies
- **Policy Requests**
 - Requests that Congress authorize OSHA to issue a COVID-19 protection standard that covers a broad set of workers, including those not currently covered under OSHA.
 - \$11 billion for international health and humanitarian response
 - Raise the federal minimum wage to \$15/hour
- **Paid Leave and Unemployment Benefits**
 - Asks Congress to provide a \$400/week in unemployment insurance supplement
 - Extend period of time workers can qualify for unemployment
 - Extend unemployment support for self-employed workers (including “gig” workers)
 - Fully fund State short-term compensation programs (workshare)
 - Extend the Families First tax credits and paid sick leave requirements until September 30, 2021
 - Reimburse State and Local governments for the cost of paid leave
 - Eliminate exemptions for employers with more than 500, and less than 50 employees
 - Provide 14 weeks of expanded paid sick, family, and medical leave for parents with additional caregiving responsibilities when schools are closed, people experiencing COVID-19 symptoms, quarantining, or those who need a vaccine
 - Expand paid leave to include federal workers
 - Provide maximum paid leave benefit of \$1,400/week for eligible workers (\$73,000/year)
 - Reimburse employers with less than 500 employees for the cost of leave

- **Schools**

- \$130 billion in flexible funding for schools to reopen, operate, and/or conduct remote learning
 - Allows funds to be used for extended learning time, tutoring, and mental health/guidance counselors
- \$35 billion for public, higher education, institutions including community colleges
- \$5 billion in funding for governors to use on educational programs for students significantly impacted by COVID-19

- **Food Security**

- 15% Supplemental Nutrition Assistance Program (SNAP) benefit increase
- Asks for a one-time emergency infusion of administrative support by cutting the SNAP State match
- \$3 billion in additional funding for the Woman, Infants, and Children (WIC) program
- Pass the FEED Act ([S. 3614](#))[116th Congress]
 - Would require FEMA to partner with local restaurants, non-profits, and soup-kitchens to coordinate food preparation and delivery

- **Child Care**

- \$1 billion in additional Temporary Assistance to Needy Families (TANF)
- \$25 billion emergency stabilization fund for child care providers
- \$15 billion in additional funding for the Child Care and Development Block Grant program
- Increase tax credits for child care, up to half of the cost of child care for children under 13:
 - Total of \$4,000 per child, or \$8,000 for two or more children
 - Would be a refundable tax credit
 - All families making less than \$125,000/year would be eligible.
 - Families making between \$125,000-\$400,000 would receive partial credit
- Increase the Child Tax Credit to \$3,000 per child (\$3,600 for a child under 6) and making 17-year-olds qualifying children for the year
- Expand the Earned Income Tax Credit (EITC) for the year from \$530 to nearly \$1,500 while raising the income limit from \$16,000 to \$21,000

- **Health Insurance/Coverage**

- Subsidize COBRA through the end of September
- Expand Premium Tax Credit to lower premiums
- \$4 billion in addition funding for SAMHSA and HRSA to expand substance use disorder and behavioral health services
- \$20 billion for veteran's health service through the VHA
- \$800 million in supplemental funding to help survivors of domestic abuse through various programs

- **Small Business Grants**

- \$15 billion in flexible funding to provide grants to over 1 million small businesses
- Leverage \$35 billion in government funds for \$175 billion in low-interest loans

President Biden's National COVID-19 Strategy

On Thursday, January 21st, the White House released its 198-page *National Strategy for the COVID-19 Response and Pandemic Preparedness* report (available [HERE](#)) outlining the Administration's long-term strategy to mount a vaccination campaign, mitigate the spread of the disease, expand emergency relief, protect those at risk, and reopen schools, businesses, and travel. As part of the national vaccination campaign, the President directed his Administration to utilize the Defense Production Act's authority "as needed" to respond to existing shortfalls in PPE, as well as to ensure there was sufficient amounts of the "necessary equipment and material to accelerate the manufacture, delivery and administration" of the vaccine.

The plan also calls for increased coordination with states, localities, and other community and private interest stakeholders, as well as directing the Federal Emergency Management Agency (FEMA) to begin construction on federal vaccination sites. Additionally, the plan reiterates the President's calls for Congress to take action on the proposed \$1.9 trillion *American Rescue Plan* (found [HERE](#)).

President Biden also signed several executive orders this week related to combatting the coronavirus pandemic including the aforementioned directives allowing the Administration to utilize the Defense Production Act to shore up PPE, and both testing and vaccine supplies, increase FEMA public assistance funding for PPE and other safety supplies (text available [HERE](#)), and directs the Departments of Education and Health and Human Services to publish new guidance on reopening schools (text available [HERE](#)). President Biden also signed an executive order requiring masks to be worn in airports and on airplanes, trains, maritime vessels, and intercity buses, and requires international travelers to supply a negative COVID-19 test before going overseas (text available [HERE](#)).

The President also signed several executive orders targeted at providing Americans with economic relief from the coronavirus pandemic and providing worker protections. The executive order urges the Agriculture Department to consider providing a 15% increase to the breakfast and lunch allowance for schoolchildren and update how benefits are calculated under the Thrifty Food Plan, which serves as the basis for Supplemental Nutrition Assistance Program (SNAP) allotments, to boost benefits by 15% and 20%. This increase would be in addition to the 15% increase on SNAP benefits included in the \$900 billion coronavirus relief package enacted in December, however this executive order additionally calls on Congress to extend the SNAP benefit increase beyond the June 30th expiration date. The order also encourages the Department of the Treasury to take

additional measures to ensure the \$600 stimulus checks are delivered to those that have still not received them. The White House Fact Sheet outlining these and other provisions/goals this executive order will seek to achieve is available [HERE](#).

“Day One” Executive Orders and Presidential Actions

After being inaugurated on January 20th, President Biden signed 9 Executive Orders rescinding Executive Actions taken by President Trump. These actions largely sought to deliver on campaign promises to reduce the spread of COVID-19, reinstate Obama-era environmental policies, and rescind actions taken by the Trump Administration. These nine actions will seek to:

1. Halt of the US withdrawal from the World Health Organization, with Dr. Anthony Fauci becoming the head of the delegation.
2. Direct the US to rejoin the Paris Climate Accord, a process that will take 30 days
3. Cancel the Keystone XL Pipeline and direct agencies to review and reverse more than 100 actions taken by the Trump Administration on the environment
4. Rescinds the Trump Administration’s 1776 Commission and directs agencies to review their actions to ensure racial equity
5. Requires non-citizens to be included in the Census and apportionment of congressional representatives
6. Reverses the Trump Administration’s restrictions on US entry for passport holders from seven Muslim-majority countries
7. Undoes Trump’s expansion of immigration enforcement in the US
8. Halts construction of the wall on the Southern Border by terminating the National Emergency Declaration used to fund it
9. Directs OMB to develop recommendations to modernize and undoes Trump’s regulatory approval process

One Executive Order of note (Number 3 in the list above) rescinds a number of Trump-era environmental review process Executive Orders and/or rules.

The following Presidential Actions are hereby **revoked**:

- [Executive Order 13766](#) of January 24, 2017 (**Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects**)
- [Executive Order 13778](#) of February 28, 2017 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “**Waters of the United States**” Rule)
- [Executive Order 13783](#) of March 28, 2017 (Promoting Energy Independence and Economic Growth)
- [Executive Order 13792](#) of April 26, 2017 (Review of Designations Under the Antiquities Act)

- [Executive Order 13795](#) of April 28, 2017 (Implementing an America-First Offshore Energy Strategy)
- [Executive Order 13868](#) of April 10, 2019 (Promoting Energy Infrastructure and Economic Growth)
- [Executive Order 13927](#) of June 4, 2020 (Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities)
- [Executive Order 13834](#) of May 17, 2018 (Efficient Federal Operations), is hereby revoked except for sections 6, 7, and 11
- [Presidential Memorandum](#) of April 12, 2018 (Promoting Domestic Manufacturing and Job Creation Policies and Procedures Relating to Implementation of Air Quality Standards)
- [Presidential Memorandum](#) of October 19, 2018 (**Promoting the Reliable Supply and Delivery of Water in the West**)
- [Presidential Memorandum](#) of February 19, 2020 (**Developing and Delivering More Water Supplies in California**)
- The Council on Environmental Quality (CEQ) shall rescind its draft guidance entitled, "Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions," [84 Fed. Reg. 30097](#) (June 26, 2019)
- CEQ, as appropriate and consistent with applicable law, shall review, revise, and update its final guidance entitled, "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," [81 Fed. Reg. 51866](#) (August 5, 2016)
- Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects) is hereby revoked. The Director of OMB and the Chair of the Council on Environmental Quality shall jointly consider whether to recommend that a replacement order be issued.
- Executive Order 13920 of May 1, 2020 (Securing the United States Bulk-Power System) is hereby suspended for 90 days. The Secretary of Energy and the Director of OMB shall jointly consider whether to recommend that a replacement order be issued.

- The Director of OMB and the heads of agencies shall promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, including, if necessary, by proposing such rescissions through notice-and-comment rulemaking, implementing or enforcing the Executive Orders, Presidential Memoranda, and draft guidance identified in this section, as appropriate and consistent with applicable law.

The full Executive Order can be found [HERE](#).

The White House Chief of Staff also released a memorandum directing the Office of Management and Budget (OMB) and the Federal Departments to freeze all pending rules and regulations that have not been finalized, pending review by Biden-appointed staff. Even if a rule has completed the public comment process, the new Administration has the power to extend the enactment date of any and all pending rules and regulations. Biden appointees can then use a new public comment period, or other mechanisms, to permanently halt or retract any rules even if they have already been published in the Federal Register. The full memo can be found [HERE](#), and is included below:

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Ronald A. Klain

Assistant to the President and Chief of Staff

SUBJECT: Regulatory Freeze Pending Review

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees or designees have the opportunity to review any new or pending rules, at the direction of the President, I ask that you immediately take the following steps:

1. *Subject to any exceptions the Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise, propose or issue no rule in any manner — including by sending a rule to the Office of the Federal Register (the "OFR") — until a department or agency head appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule. The department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.*
2. *With respect to rules that have been sent to the OFR but not published in the Federal Register, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.*
3. *With respect to rules that have been published in the Federal Register, or rules that have been issued in any manner, but have not taken effect, consider*

postponing the rules' effective dates for 60 days from the date of this memorandum, consistent with applicable law and subject to the exceptions described in paragraph 1, for the purpose of reviewing any questions of fact, law, and policy the rules may raise. For rules postponed in this manner, during the 60-day period, where appropriate and consistent with applicable law, consider opening a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider pending petitions for reconsideration involving such rules. As appropriate and consistent with applicable law, and where necessary to continue to review these questions of fact, law, and policy, consider further delaying, or publishing for notice and comment proposed rules further delaying, such rules beyond the 60-day period. Following the 60-day delay in effective date:

- a. for those rules that raise no substantial questions of fact, law, or policy, no further action needs to be taken; and*
- b. for those rules that raise substantial questions of fact, law, or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.*
- 4. Exclude from the actions requested in paragraphs 1 through 3 any rules subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.*
- 5. Notify the OMB Director promptly of any rules that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those rules affect critical health, safety, environmental, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.*
- 6. Comply in all circumstances with any applicable Executive Orders concerning regulatory management.*

As used in this memorandum, "rule" has the definition set forth in section 551(4), title 5, United States Code. It also includes any "regulatory action," as defined in section 3(e) of Executive Order 12866 of September 30, 1993, as amended, and any "guidance document" as defined in section 3(g) of Executive Order 13422 of January 18, 2007, when that order was in effect. Thus, the requirements of this memorandum apply not only to "rules" as defined in section 551(4) of title 5, but also to:

- a. any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and*

- b. *any agency statement of general applicability and future effect that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.*

The OMB Director will implement this regulatory review, and any communications regarding any matters pertaining to this review should be addressed to the OMB Director. The OMB Director is also authorized to establish a process to review pending collections of information under the Paperwork Reduction Act of 1995, as codified in chapter 35, title 44, United States Code, and to take actions that the OMB Director deems appropriate based on that review, consistent with applicable law.

Should actions be identified that were undertaken before noon on January 20, 2021, to frustrate the purpose underlying this memorandum, I may modify or extend this memorandum, pursuant to the direction of the President, to request that agency heads consider taking steps to address those actions.

The OMB Director is authorized and directed to publish this memorandum in the Federal Register.

Biden Administration Cabinet Updates

During Inauguration week, the Senate began the confirmation process of several executive nominees, particularly those with jurisdiction over national security, the economy, and the coronavirus pandemic. As Republicans still held the Majority last Tuesday, and since Majority Leader Chuck Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) have yet to reach a power sharing agreement over disagreements on the treatment of the filibuster rule, Tuesday's confirmation hearings were chaired by the Republican Leader of each respective Committee. A brief summary of last week's confirmation hearings and the status of the nominees is included below:

- **Secretary of Defense**, Retired General Lloyd Austin (**CONFIRMED 93-2**)
 - Austin stressed support for the principle of civilian control of the DOD
 - He also discussed support for using the military to help address the COVID-19 pandemic
 - The Senate voted 93-2 to confirm Gen. Austin as Defense Secretary after both the House and Senate voted to approve a waiver exempting Austin from the seven year "cooling off" period required of retired generals before they can serve as DOD Secretary.
- **Director of National Intelligence**, Avril Haines (**CONFIRMED 84-10**)
 - In response to bipartisan lines of questioning about her partisan loyalties, Haines stated her belief that "to safeguard the integrity of our intelligence community, the DBI must insist that, when it comes to intelligence, there is simply no place for politics. Ever."

- Committed to publishing analytic products in the President's Daily Brief
- Avril Haines was confirmed as Director of National Intelligence by the full Senate on Wednesday following the Inauguration by a vote of 84-10 after bypassing a committee vote.
- **Secretary of the Treasury, Janet Yellen (CONFIRMED 84-15)**
 - Yellen defended President Biden's \$1.9 trillion relief proposal and urged Congress to pass a large pandemic aid package targeted at public health and small businesses.
 - Did not commit to supporting a repeal of the \$10,000 state and local tax (SALT) deduction.
 - The Senate Finance Committee voted unanimously to recommend the nomination of Janet Yellen as Treasury Secretary
- **Secretary of State, Antony Blinken (CONFIRMED 78-22)**
 - Pledged to re-engage with global partners in pursuit of "the greater good"
 - The hearing was cordial, with Republican Senators commending Blinken's experience
 - A focal point of the hearing was competition with China and ways to deter Chinese aggression, both on the ground and in cyberspace

Secretary of Transportation, Pete Buttigieg (CONFIRMED 86-13)

- Senate confirmation hearing was mostly cordial
- Buttigieg said that as a former Mayor, he understands and supports a "bottom-up approach" that accounts for the value of local stakeholder input, and is very fond of passenger rail, transit, and innovation
- Would not commit to increasing annual CIG funds
- Did not comment on the possibility of raising the federal gas tax
- Highlighted support for climate/environment-driven policy changes
- Discussed support for major infrastructure package
- Committee confirmed nomination on January 27th by 21-3 vote
- **Secretary of Homeland Security, Alejandro Mayorkas (CONFIRMED 56-43)**
 - Did not gain unanimous committee support for fast-track confirmation due to Republican concerns related to border security and illegal immigration enforcement
 - Domestic security (in the context of January 6 Capitol riots) was another major issue discussed during hearing
- **Secretary of Commerce, Gina Raimondo**

- In her confirmation hearings, Raimondo primarily discussed ways to get Americans back to work and reduce the economic impacts of COVID-19
- Concerns were raised during confirmation hearing regarding Raimondo's "unclear answer" on whether Chinese telecom company Huawei will remain on the Commerce Department's entity list (blacklist)
- Governor of Rhode Island

Additional Cabinet, and Senior Official nominees that have been named by the Biden Administration are included below:

- **Secretary of Agriculture:** Tom Vilsack (former agriculture secretary and Iowa governor)
- **Secretary of Education:** Miguel Cardona (Connecticut Commissioner of Education)
- **Secretary of Energy:** Jennifer Granholm (former Governor of Michigan)
- **Secretary of Health and Human Services:** Xavier Becerra (Attorney General of California)
- **Secretary of Housing and Urban Development:** Marcia L. Fudge (Democratic Congresswoman from Ohio)
- **Secretary of the Interior:** Deb Haaland (Democratic Congresswoman from New Mexico)
- **Attorney General:** Merrick B. Garland (Federal appeals court judge)
- **Secretary of Labor:** Marty Walsh (Mayor of Boston, Massachusetts)
- **Secretary of State:** Anthony Blinken (former deputy national security adviser)
- **Secretary of Veterans Affairs:** Denis McDonough (former White House Chief of Staff)
- **Environmental Protection Agency (EPA) Administrator:** Michael S. Regan (Secretary of the North Carolina Department of Environmental Quality)
- **Director of the Office of Management and Budget (OMB):** Neera Tanden (chief executive of the Center for American Progress)
- **CIA Director:** William J. Burns (former-Ambassador to Jordan and Deputy Secretary of State)

- **USAID Administrator:** Samantha Power (former-Ambassador to the United Nations)
- **Council of Economic Advisers Chair:** Cecilia Rouse (Princeton University labor economist)
- **United Nations Ambassador:** Linda Thomas-Greenfield (former top U.S. diplomat to Africa)
- **Trade Representative:** Katherine Tai (chief trade counsel, House Ways & Means Committee)
- **SBA Administrator:** Isabel Guzman (Director of California's Office of the Small Business Advocate)

The **Department of Transportation (DOT)** also announced their leadership team this month. Lana Hurdle, Deputy Assistant Secretary for Budget & Programs, will serve as Acting Secretary of Transportation until Secretary-Designate Buttigieg is confirmed. While additional people will be named later, the initial team (starting on January 20 or soon after) includes:

- **Nuria Fernandez**, Deputy Administrator and Acting Administrator, Federal Transit Administration
- **Amit Bose**, Deputy Administrator, Federal Railroad Administration
- **Ann Carlson**, Chief Counsel, National Highway Traffic Safety Administration
- **Florence Chen**, Special Assistant for Policy
- **Casey Clemmons**, Special Assistant, Pipeline and Hazardous Materials Safety Administration
- **Steve Cliff**, Deputy Administrator, National Highway Traffic Safety Administration
- **Christopher Coes**, Principal Deputy Assistant Secretary for Transportation Policy
- **Robert Hampshire**, Principal Deputy Assistant Secretary for Research and Technology
- **Maurice Henderson**, Senior Advisor
- **Danielle Hirshberg**, Deputy Chief of Staff for Operations
- **Justine Hong**, Director of Executive Secretariat
- **Robin Hutcheson**, Deputy Assistant Secretary for Safety Policy
- **Subash Iyer**, Chief Counsel, Federal Transit Administration

- **Meera Joshi**, Deputy Administrator, Federal Motor Carrier Safety Administration
- **Tatjana Kunz**, Special Assistant for Policy
- **Lucinda Lessley**, Deputy Administrator, Maritime Administration
- **Diana Lopez**, Senior Advisor to the Administrator, Federal Railroad Administration
- **Irene Marion**, Director, Departmental Office of Civil Rights
- **Edward McGlone**, Deputy Assistant Secretary for Congressional Affairs (House)
- **Philip A. McNamara**, Assistant Secretary for Administration
- **A. Bradley Mims**, Deputy Administrator, Federal Aviation Administration
- **Carlos Monje Jr.**, Senior Advisor and Acting Chief of Staff
- **Allie Panther**, White House Liaison
- **Alex A. Peña**, Special Assistant to the General Counsel
- **Carol A. (Annie) Petsonk**, Principal Deputy Assistant Secretary for Aviation and International Affairs
- **Stephanie Pollack**, Deputy Administrator, Federal Highway Administration
- **John Putnam**, Deputy General Counsel
- **Will Rasky**, Special Assistant for Governmental Affairs
- **Courtenay Raymond**, Director of Scheduling and Advance
- **Andrew Rogers**, Chief Counsel, Federal Highway Administration
- **Laura Schiller**, Chief of Staff
- **Michael Shapiro**, Deputy Assistant Secretary for Economic Policy
- **Sophie Shulman**, Deputy Chief of Staff for Policy
- **Dani Simons**, Assistant to the Secretary and Director of Public Affairs
- **Charles Small**, Deputy Assistant Secretary for Intergovernmental Affairs
- **Mohsin Syed**, Principal Deputy Assistant Secretary for Congressional Affairs (Senate)
- **Charlene Wang**, Special Assistant, Federal Highway Administration
- **Victoria Baecher Wassmer**, Deputy Assistant Secretary for Finance and Budget
- **Vinn White**, Senior Advisor for Implementation
- **Laurence Wildgoose**, Assistant Administrator for Policy, International Affairs, and Environment, Federal Aviation Administration