



## **PUBLIC CITIZEN PROGRESS REPORT: BIDEN'S FIRST 100 DAYS**

President Biden entered office in the wake of a violent insurrection, a global pandemic, a climate on the brink of total destruction, and a racial reckoning. In the first 100 days of the administration, much has been accomplished and we're looking forward to continued progress. Below is Public Citizen's assessment on Biden's movement on addressing the country's most pressing challenges, critical needs, and key opportunities.

### **COVID-19 Vaccine Rollout**

#### **Accomplishments**

The Biden administration far exceeded its initial pledge to administer 100 million doses of COVID-19 vaccines in the U.S. in Biden's first 100 days. Since Biden's inauguration, over 200 million doses of vaccine have been administered. Two-thirds of adults aged 65 or older and more than one-third of all adults now are fully vaccinated, and more than 80% of adults aged 65 or older and more than half of all adults have received at least one vaccine dose.

#### **Calls to Action:**

- Implement a \$25 billion global vaccine manufacturing program to end the pandemic and build globally-distributed vaccine infrastructure for future pandemics.
- Reverse the Trump administration's blockage of a 100-country initiative at the World Trade Organization to temporarily waive intellectual property monopolies and thus help boost production of more vaccines and treatments in as many countries as possible.

### **Economic Relief and Recovery**

#### **Accomplishments**

President Biden navigated the \$1.9 trillion American Rescue Plan through Congress, which met the pandemic health emergency while also improving the income security of those most affected by business closures necessitated by social distancing. Some of the offsets included expanding the number of employees for which corporations will no longer be able to deduct multi-million dollar bonuses, as well as extending the limit on business losses set under the 2017 tax law.

#### **Call to Action:**

- Ensure both the jobs and families plan(s) clearly address income inequality and that Wall Street and corporations pay their fair share of forthcoming recovery and investment packages, to the extent they are offset (see details in Taxes, Budgets and Military Spending section below).



- Include additional funding for the U.S. Postal Service in upcoming relief plans
- Use existing statutory authority to temporarily waive the exception to 'Buy American' procurement rules that requires the U.S. treat 60 trade-pact-partners' goods as if they were made here so that extraordinary COVID-19 spending is not offshored but reinvested at home so it has the intended stimulative effect and helps rebuild domestic supply chains.

### **Rebuilding Our Democracy, Fighting Corruption, and Restoring the Rule of Law**

#### Accomplishments

President Biden issued a strong day one ethics executive order covering the revolving door and capturing shadow lobbying. He also issued a voting access executive order that empowers agencies to plan to register eligible voters while conducting other business. The administration also put forth an important requirement for the disclosure of White House visitor logs.

The Biden administration also supports the For the People Act, D.C. Statehood, and the John Lewis Voting Rights Advancement Act. The White House has also hired a set of staff explicitly focused on democracy in DPC, NSC, IGA, and more.

#### Call to Action:

- Issue an executive order requiring government contractors to disclose their political expenditures
- Be even more vocally in support of priority legislation like the For the People Act and changes to the filibuster to enable its passage
- Adopt a policy to release the visitor logs for virtual meetings
- The NEC and administration should widely encourage the SEC to require that all publicly traded companies disclose their political spending.
- Impose a ban on stock trading activity for administration officials and encourage Congress to do the same.
- Encourage Congress to transform the Office of Government Ethics into an actual ethics cop rather than an advisory agency. Biden has imposed notable ethics requirements on his administration in the wake of the most scandal-ridden administration in history, but ethics rules are only as meaningful as they are enforced.

### **Climate, Energy, and Green Infrastructure**

#### Accomplishments

President Biden rejoined the Paris Climate Accord, signaling that the U.S. is re-engaging in climate diplomacy and will take steps to curb its carbon output and make climate a priority when negotiating with other countries. The administration also issued a groundbreaking national emissions target that is one of the strongest among developed nations, exceeding



what the IPCC says is necessary worldwide to have a reasonable chance of holding global temperatures to 1.5°C. Specifically, the nationally determined contribution (NDC) Biden issued targets a 50%–52% reduction in emissions economy-wide from 2005 levels by 2030.

The administration also issued an executive order committing to a carbon-pollution free electricity sector no later than 2035; paused new oil and gas leasing on federal lands; directed heads of agencies to ensure that federal funding is not directly subsidizing fossil fuels; established the White House Office of Domestic Climate Policy; and established the White House Environmental Justice Interagency Council.

Moreover, Biden’s American Jobs Plan identifies the climate crisis as one of the great challenges of our time and commits to: targeting 40% of the benefits of climate and clean infrastructure investments to disadvantaged communities; modernizing public transit; building, preserving, and retrofitting buildings with an eye towards making infrastructure energy efficient; improving power infrastructure through a resilient electricity transmission grid.

The administration has also acknowledged that climate change is a threat to financial stability and took steps to address this threat. The Treasury Department announced a Climate Hub and a Climate Counselor to coordinate and lead efforts to address climate change in climate transition finance, climate-related economic and tax policy, and climate-related financial risks.

#### Calls to Action:

- Set more ambitious climate targets, investments, and provide assistance to developing nations. The U.S. has contributed vastly more to greenhouse gas pollution than any other nation on Earth, and it has ample resources to cut emissions rapidly. It should beat global targets by a wide margin to relax the burden on developing nations, and it should provide them with more financial assistance for phasing out emissions.
- Appoint climate champions to key positions at the Treasury Department and financial regulators, including at the principal level where those positions remain open
- Coordinate and drive efforts among Treasury and financial regulators to mitigate climate-related financial risk, including aligning private finance with climate targets

### **Health Care Reform**

#### Accomplishments:

The Biden administration has made progress in rolling back some of Trump’s most egregious attacks on Medicare and the Affordable Care Act (ACA). The administration also created a special open enrollment period for the ACA and worked with Congress to pass improvements, including increased subsidies to help more Americans gain coverage through ACA exchanges.

#### Calls to Action:



The COVID-19 pandemic and recession have exposed and exacerbated our health care system's fundamental flaws: structural inequities that harm communities of color; a fractured health insurance system; and corporations that reap massive profits while failing to deliver. The administration must take immediate action toward an improved Medicare for All system that guarantees health care to everyone living in the United States while removing the profit and waste that makes our current system extraordinarily inequitable and expensive. Specifically, the administration must:

- Deliver on promises to seniors and other Medicare beneficiaries by adding dental, vision and hearing benefits, capping out-of-pocket costs, and expanding eligibility -- preferably to those age 50 and older
- Diminish the role of private insurance companies profiting from Medicare, as Medicare Advantage plans continue to drive up costs and engage in abusive practices
- Continue to push states to expand Medicaid and to improve the availability of home and community-based services
- Direct the Department of Health and Human Services to provide appropriate waivers and support to states that seek to implement single-payer health insurance systems
- Support efforts in Congress to advance the Medicare for All Act of 2021

### **Taxes, Budget, and Military Spending**

#### **Accomplishment:**

The Biden administration has announced several trillion dollars in much-needed investments in infrastructure to boost American jobs and help families, which are paired with increases in taxes on corporations and the wealthy. Biden has also committed to significantly increasing investments in the IRS to ensure everyone is following the law -- investments that will have a multiplier effect and greatly increase government revenues.

Biden also nominated three pro-consumer and pro-voter individuals to serve on the USPS Board of Governors and committed to investing in the electrification of the postal vehicle fleet.

#### **Taxes, Budget, & USPS Funding Calls to Action:**

- Ensure Wall Street pays its fair share by embracing the inclusion of a financial transaction tax in the Green Book and as an offset for investment packages
- End the tax incentives for outsourcing, including fully equalizing the tax rates paid for domestic and foreign-booked profits, and endorsing other changes included in the No Tax Breaks for Outsourcing Act.
- Tackle income inequality by directly addressing the gap between executive compensation and that of American workers. This should include promoting the Tax Excessive CEO Pay Act and fully closing the loophole that allows corporations to deduct multi-million dollar performance-based bonuses.



- Equalize the capital gains rate for those making between \$400,000 and \$1 million -- not just millionaires.
- Increase the corporate rate to level on the books before Trump's 2017 tax law, but at the very least stay strong at 28%.
- Fill additional vacancies on the USPS Board of Governors as needed to hold Postmaster General DeJoy accountable for his devastating service changes that led to slowdowns that would have threatened the election should Public Citizen's litigation with the NAACP not had been successful in holding them at bay.
- Work with the Board of Governors and other decision-makers at the USPS (and the legislature, as applicable) to expand services at the USPS, including postal financial services and Appoint a Postal Czar to navigate its implementation.

#### Military Spending Calls to Action:

- Significantly decrease the Pentagon topline in the President's full budget request. While many non-defense funding priorities in the proposed budget were commendable, a \$753 billion Pentagon budget is not. This level of funding for militarism is wasteful and reckless.
- Corporate, securitized approaches have consistently failed to protect people from true threats to their livelihoods, like the mismanaged COVID-19 pandemic, the lack of affordable healthcare, and the impending threat of climate annihilation, all while escalating costly and deadly overseas conflicts.
- Although the administration's decision to withdraw from Afghanistan is a welcome foreign policy decision, it is incomplete without a corresponding turn away from militarized solutioneering.
- Commit to lowering the Pentagon topline figure substantially in the administration's next request to Congress, bringing it to or below the FY21 figure, and repurpose these cost savings to meet people's day-to-day needs.

### **Rebuilding Our System of Regulatory Safeguards**

#### Accomplishments:

The Biden administration immediately withdrew Trump's deregulatory executive orders, including an order that implemented the disastrous, arbitrary "One-in, Two-out" regulatory budget system. The administration also:

- Took quick action to freeze last-minute regulatory rollbacks issued by outgoing Trump officials
- Issued a ground-breaking executive memorandum on modernizing regulatory review that calls for recommendations on "how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations."



- Elevated racial equity considerations in federal decision-making by issuing an important executive order on “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”
- Spurred action on the agency level to undo anti-regulatory procedural traps laid by Trump appointees. Executive agencies have begun or already completed the process of unwinding problematic rules that create barriers to rulemaking and guidance issuance. In particular, the Department of Health and Human Services (HHS) has halted the implementation of an extremely concerning rule requiring automatic sunseting of key public health and safety protections.
- Appointed highly qualified personnel to the Office of Information and Regulatory Affairs (OIRA) who have a history of supporting strong regulations that protect the public and are committed to much-needed reforms at OIRA.

#### Calls to Action:

- Nominate a Director of the Office of Management and Budget (OMB) who has demonstrated a willingness to reform regulatory review and will follow through on the intent of the Modernizing Regulatory Reform memorandum.
- Nominate an OIRA Administrator who has a demonstrated track record of advocating for stronger regulatory protections and is committed to reforms at OIRA under the Modernizing Regulatory Reform memorandum.
- Begin consulting stakeholders for the process of developing regulatory reform recommendations laid out in the Modernizing Regulatory Reform memorandum. Follow through on the memorandum’s promise to re envision a more just regulatory reform process, especially one that “ensure[s] that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities.”
- Establish a Regulatory Integrity Task Force to investigate and uncover political interference in the regulatory process and other procedural wrongdoing by Trump officials in recklessly advancing deregulatory actions that were clearly harmful to public health and safety. A similar, agency-specific effort has already begun at the Environmental Protection Agency.
- Government transparency is vital to healthy democracy. The administration should urge federal agencies to approach the Freedom of Information Act from a pro-openness perspective, including by directing agencies to apply sufficient resources to enable timely FOIA responses, by discouraging aggressive assertions of FOIA exemptions, by releasing requested records where disclosure would cause no foreseeable harm or is in the public interest, and by ensuring timely online proactive disclosure of orders, frequently requested records, and other documents. The administration should also support efforts in Congress to improve FOIA’s effectiveness by narrowing exemptions.



## **Wall Street Accountability**

### **Accomplishments:**

President Biden nominated a well-qualified candidate, Gary Gensler, to head the Securities and Exchange Commission (SEC). As Chair of the Commodity Futures Trading Commission under President Obama, Gensler brought needed transparency and stabilization to this market, which had turbocharged the financial crash of 2008.

Additionally, Biden's Department of Labor issued a non-enforcement policy for Trump-era rules relating to proxy voting and ESG investments.

### **Calls to Action:**

- Nominate a responsible Comptroller of the Currency who understands pressing issues of racial equality, and how banking policy has exacerbated inequity to date. The Comptroller must also understand that financial technology can be abused by lenders who want to escape state usury laws, and pierce the wall between banking and commerce.
- Nominate members of the Federal Deposit Insurance Corp. who will ensure that banking safeguards are maximized to protect Main Street, and not enable banks to engage in excessive risk-taking
- Nominate a chair and members of the Commodity Futures Trading Commission who will bridle unnecessary gambling in financial derivatives trading
- Ensure that regulators finalize a strong rule under Dodd-Frank Sec. 956 intended to reform banker pay packages that led to the 2008 financial crash. This must include a deferral fund from senior executives that would be used to pay for penalties from corporate misconduct.
- Improve the Volcker Rule that is meant to restrict proprietary trading by insured financial institutions, including a transparency measure that allows the public to understand whether banks are truly complying with the law
- Speak out in support of efforts by the Securities and Exchange Commission to require comprehensive environmental, social, and governance (ESG) risk disclosure

## **Antitrust**

### **Accomplishments:**

President Biden made strong antitrust personnel decisions in the nomination of Lina Khan to the Federal Trade Commission (FTC) and the appointment of Tim Wu to the National Economic Council.

### **Calls to Action:**



- Nominate a strong progressive to fill the last vacancy to the FTC to ensure a working majority can advance rulemaking and enforcement priorities.
- Nominate an Assistant Attorney General for the Antitrust Division of the Department of Justice who will continue investigations into Big Tech, pursue a strong enforcement agenda, and reverse bad policies put in place in the Trump Administration.
- Significantly increase funding for antitrust enforcement at the FTC and the Department of Justice Antitrust Division.

### **Privacy and Digital Rights**

#### **Accomplishments:**

President Biden nominated Lina Khan to the FTC, has named Jessica Rosenworcel as Federal Communications Commission (FCC) chair, and Rohit Chopra as FTC commissioner, who spent years at the FTC developing expertise on digital rights issues to lead the Consumer Financial Protection Bureau (CFPB) where he will be able to propose rules and seek justice for victims of algorithmic discrimination in the financial sector.

Additionally, Biden has proposed connecting all Americans to broadband internet as part of his infrastructure plan.

#### **Calls to Action:**

- Support Congress in its efforts to pass federal privacy legislation
- Divest from surveillance technologies at the border and ports of entry
- Execute on broadband promises

### **Consumer Protections and Civil Justice**

#### **Accomplishments:**

Biden directed the Housing and Urban Development (HUD) Department to reconsider a Trump-era regulation that made it nearly impossible for victims of discrimination to bring claims over practices that have a disparate impact.

With its first spate of judicial nominations, the Biden administration signaled that it is serious about putting diverse candidates on the federal bench, moving away from the practice of nominating largely prosecutors.

In the Dodd-Frank law, Congress gave the CFPB the power to use its supervisory and enforcement authority to, among other things, protect consumers from companies engaging in “unfair, deceptive, or abusive act practice.” The CFPB, under new leadership, reversed the so-called “abusiveness” standard, which was a Trump-era industry-friendly policy.





### Calls to Action:

- Promptly fill the three seats on the U.S. Consumer Product Safety Commission with experienced consumer advocates. As people continue to stay at home almost 24/7, we are seeing product safety hazards that are injuring and killing people. Thus far, the Biden administration has paid no attention to the U.S. Consumer Product Safety Commission, which has responsibility for ensuring safe products in our homes.
- Establish a White House Office for Consumer Protection and Access to Justice. The Office would be responsible for developing policies that protect consumers; coordinating among agencies that enforce consumer protection statutes; and working with Congress and across the administration to strengthen the civil justice system.

## **Worker Health and Safety**

### Accomplishments:

With COVID-19 continuing to spread, Biden's Occupational Safety and Health Administration (OSHA) issued new, more thorough guidance for employers -- delineating the steps each employer should take to keep their workers safe from the spread of the virus.

In 2020, there were many reported cases of employers failing to take steps to reduce the spread of the coronavirus at their places of business. Under the previous administration, OSHA did very little to hold these employers accountable, even in cases where employees died. Under Biden, OSHA structured a new plan to actively investigate cases involving a failure to implement COVID-19 protections and hold violators accountable.

Additionally, Biden nominated strong, experienced individuals with a history of dedication to worker health and safety to lead the Department of Labor (Secretary Marty Walsh) and OSHA (Doug Parker).

Biden also halted rule-making initiated by the previous administration to increase poultry production line speed limits, which puts workers at greater risk of injury and potentially increasing COVID-19 transmission rates.

The Biden Department of Justice also filed a brief in support of the families of meatpacking workers who died of COVID-19, opposing the industry's claims of immunity.

### Calls to Action:

- Hold employers accountable to making administrative and structural changes to protect workers from exposure to COVID-19. Specifically, administration and OSHA must issue a strong, enforceable workplace standard to prevent the spread of the coronavirus.



- Hold employers accountable to mitigate or eliminate heat hazards at the workplace. With rising temperatures and destructive heat waves due to climate change, the danger of potentially fatal heat-related illnesses continues to increase for workers. The Biden administration and OSHA must issue and enforce a strong indoor and outdoor workplace heat hazard standard.
- The Biden administration and the USDA must rescind line speed waivers issued to large corporations by the previous administration and resist pressure to raise or remove line speed limits.
- Nominate a diverse and experienced set of leaders committed to the health and safety of workers to fill the remaining positions at the Department of Labor, OSHA, the National Institute of Occupational Safety and Health (NIOSH), and the USDA.

### **Global Trade**

#### **Accomplishments:**

President Biden appointed Katherine Tai to be the U.S. Trade Representative. Tai has announced she will implement a “worker centric” trade policy that promotes, not undermines, our core values and goals for good jobs, a livable planet, affordable medicines, safe food and more. She has the encyclopedic trade knowledge combined with strategic acumen, political skills and a steely spine that will allow her to chart a new course that delivers benefits to more people and rights old wrongs caused by decades of U.S. trade policies shaped by narrow corporate interests.

The Biden administration also initiated a review of U.S. supply chain resilience for essential medical and other goods, with an eye towards promoting domestic production capacity for such goods and diversification of import sources.

#### **Calls to Action:**

- Reverse Trump’s blockage of 100 nations’ initiative to temporarily waive WTO rules that empower pharmaceutical firms to decide if and how much COVID-19 vaccines and treatments are made. Without increased production, developing countries will not reach herd immunity vaccination levels until 2024, meaning the pandemic will remain large and unmitigated among a large share of the world’s population, destroying lives and livelihoods, and increasing the risk of a vaccine-resistant variant putting the whole world back on lockdown.
- Use existing authority to ensure that the extraordinary covid-related spending actually stimulates the U.S. economy, rather than being offshored. Specifically, the administration must immediately close a loophole that requires 60 trade-pact partner nations must be given ‘Buy American’ procurement preferences with respect to covid-related government purchases and, as promised, more broadly renegotiate our trade pacts to restore domestic purchasing preferences so we can use the vast U.S.



government procurement power as a policy tool to achieve economic equity, climate and other national goals.

- The administration must follow up on a 'Buy American' Executive Order to enact policies that restore resilient supply chains and restore reliable, safe supplies of medicines and active pharmaceutical ingredients, personal protective gear, and other essential goods that the covid crisis revealed had become dangerously vulnerable to hyperglobalization and corporate concentration.