

# What executive orders will Biden overturn when he takes office?

Executive orders may be President-elect Biden's best friend, at least to start. President Trump signed more executive orders per year (an average of 51) than any president since Jimmy Carter. Fortunately for an incoming Biden Administration, that means undoing much of Trump's agenda simply requires the stroke of a pen. Biden will come into office with historically tight margins in both the House and the Senate. Democrats already stand divided on many issues and Republicans are unlikely to welcome the Biden's agenda with open arms. This means getting legislation passed may not be a quick and easy process.

Still, Biden will be able to quickly undo many of the Trump administration's policies using executive actions. Two places we'll likely see action quickly are on immigration and environmental protection. Both of these could have significant impacts on some businesses.

## Executive action on immigration

It's well known that there are large gaps between the incoming Biden Administration and the outgoing Trump Administration on immigration. President Trump took a hardline stance on immigration policy, making it the core of his 2016 run. President Biden has tried to walk a line between the progressive and central wings of his party, but still lands much further left than Trump. While there are many immigration issues Biden will wish to act on — we'll take a look at a few places that might impact businesses the most.

### Trump's suspension of visas

In April, the Trump Administration ordered the [suspension of work visas](#) for all but a handful of industries. The administration cited the protection of American jobs in the face of the pandemic as its reasoning. In June, Trump extended the order through the end of the year. There has been little word from the Administration on this policy in recent weeks, making it unclear where businesses and workers are left after the December 31st date.

This decision was harshly criticized by the business community and especially the tech industry, which brings in many foreign workers on H-1B visas. Experts estimated that the order prevented [almost 200,000 workers](#) from entering the United States. In addition, while it did not require workers currently in the US to leave, it created additional challenges for those in the US looking to renew visas or apply for a new visa.

### Biden will loosen VISA restrictions

While the state of this executive order is left in a grey area, President-elect Biden is likely to take a more open approach to foreign workers. Businesses can expect to see an end to these VISA restrictions. This will allow businesses that depend on foreign workers to resume normal operations (as normal as they can be at least). This approach is largely supported by the business community. In addition, companies that made alternative arrangements — like employing foreign workers remotely or adjusting needs, should be able to get back to normal.

This does not necessarily mean that businesses will be able to employ foreign workers right away. Although US embassies resumed some routine visa services in July, they did so on an embassy by embassy basis. This means embassies in some countries may be open while others remain closed (especially in countries with high COVID cases).

In addition, with visa services restricted for so long, expect a rush of visa applications as restrictions lift. This means processing times may be longer than normally anticipated. Businesses seeking work visas for their employees may wish to consult an immigration lawyer to explore the options available to them.

## **Executive action on the environment**

Another large gap between the incoming and outgoing administrations is around environmental policies. The Trump Administration took too many actions weakening policies to highlight each. However, we can take a look at a few of the most impactful actions that Biden is likely to undo quickly once he's in office.

### **1 in 2 out policy will be gone**

In January of 2017, the Trump administration implemented a new policy, via [EO 13771](#). The policy required all government agencies to eliminate at least two existing regulations for each new regulation it implemented. This policy greatly reduced EPA's ability to implement new environmental protections. However, it is almost certain this policy will end with the Biden Administration as Biden will be coming in with a more regulation friendly agenda. What does this mean for businesses? Expect to see more environmental regulations coming after several years of reduced activity.

### **Expect an increased focus on infrastructure projects and environmental impact**

In 2017, President Trump signed an [executive order](#) aimed at expediting environmental reviews and approvals for high priority infrastructure projects. In June of 2020, he issued [another executive order](#) creating loopholes for projects with major environmental impacts to avoid regulations under the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act. This order allows businesses to potentially take actions with significant environmental impacts without observing environmental regulations in emergency circumstances. The administration claims that the economic crisis resulting from the COVID-19 pandemic qualifies as an emergency situation. Therefore, projects with the potential for economic growth could bypass some environmental regulation and see expedited approvals under this guidance. While the administration claims this is a measure to protect the economy, activists see it as a thinly-veiled attack on environmental protections.

Biden has spoken in favor of environmental regulations and this directive will likely end quickly once he takes office. Businesses should expect to see these weakened regulations reinforced under a Biden administration. Loopholes created by the Trump administration and hastened processes will likely be eliminated in favor of more stringent environmental protection policies and enforcement.

### **A return to the Paris Climate Accords.**

The Trump Administration was finally able to officially pull out of the Paris Climate Accord on November 4th, 2020. However, Biden intends to rejoin via executive power once he enters office. Rejoining is a much quicker process than leaving was. Although this agreement is non-binding and has no immediate impact on businesses, it helps pave the way for Biden's climate agenda.

Businesses should keep an eye on the greenhouse gas emission reduction targets that Biden sets upon rejoining. This may signify future governmental regulations on greenhouse gas emissions that could heavily impact some businesses. After all, it's best to stay ahead of the curve instead of scrambling to catch up.