

Jay Timmons
President and CEO

January 15, 2021

The Honorable Joseph R. Biden, Jr.
Biden-Harris Transition Team
1401 Constitution Ave. NW
Washington, DC 20230

Dear President-elect Biden:

On behalf of the National Association of Manufacturers and the millions of men and women who make things in America, congratulations on your election as the 46th president of the United States. Manufacturers also congratulate Vice President–elect Kamala Harris on her historic election.

As the voice of the manufacturing community, the NAM is the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States. For decades, we have worked with policymakers from across the ideological spectrum to craft policies that encourage the growth of manufacturing in the United States. Now more than ever, America needs leaders in Washington who are focused on increasing American jobs, wages and investment.

Today, we call your attention to several executive actions undertaken by the outgoing administration. We urge you, upon taking office, to reverse the most harmful of these orders and keep or expand those that create an environment that is conducive to growing America's manufacturing sector. The recommendations in this letter will help manufacturers respond to the pandemic by producing critical goods to protect Americans' health and safety and will also power the United States' economic recovery by setting the stage for manufacturing growth.

I. Outgoing Administration's Executive Actions That Should Be Prioritized for Repeal

Our industry works to advance the values that make America exceptional: free enterprise, competitiveness, individual liberty and equal opportunity. At our core, we believe upholding these principles bolsters manufacturing in America and gives us the best chance to raise standards of living in America and across the world. These values are embodied in the open, inclusive and fiercely driven spirit of entrepreneurs and creators throughout the country. Yet, several actions the outgoing administration undertook failed to live up to these principles. We urge you to immediately rescind the following items to help restore the promise of America.

A. Rescission of the Deferred Action for Childhood Arrivals Program

Dreamers—individuals brought to the United States as children by their parents—continue to fear that they will lose the only home they have ever known. These individuals have lived in the United States for many years and are integrated into communities and workplaces across the country. Executive actions and court decisions have made their futures uncertain.

Manufacturers believe eligible Dreamers should have a pathway to legal status and ultimately citizenship. We encourage you to reinstate the DACA program and to work with Congress to protect Dreamers through real and comprehensive bipartisan immigration reform. Manufacturers provide reasonable and practical solutions for bringing lasting reform to our nation's immigration system in our "[A Way Forward](#)" plan.

B. [E.O. 13950 – “Combating Race and Sex Stereotyping”](#)

This executive order claims to recognize that “[t]raining employees to create an inclusive workplace is appropriate and beneficial.” However, the order bans the use of training programs designed to ensure that employees recognize and address their inherent biases. If allowed to stand, this order could act as a disincentive to offer diversity training, create confusion and uncertainty, lead to baseless investigations and hinder the ability of employers to implement vital programs to combat workplace discrimination. We therefore urge you to withdraw the executive order and work with the business community on an approach that will support appropriate workplace training programs.

C. [E.O. 13672 – “Revocation of Federal Contracting”](#)

Signed on March 27, 2017, this executive order revokes key components of an Obama administration executive order banning federal contractors from discriminating against employees on the basis of sexual orientation or identity. Discrimination has no place in American manufacturing.

D. [E.O. 13769 – “Protecting the Nation from Foreign Terrorist Entry into the United States”](#)

This executive order, and subsequent versions of the policy, barred individuals from six Muslim-majority countries from entering the United States. Now known as the “Muslim Ban,” this order marginalized individuals traveling to the U.S. based on religion and failed to reflect the best values that have guided our nation's immigration policy. The ban, and the way it was presented to the public, caused severe disruption and uncertainty for travelers, families, friends, colleagues and businesses. Manufacturers know that immigrants, regardless of their place of birth or their religious beliefs, strengthen our country, communities and workplaces. Denying entry to individuals based on religious beliefs sows division and hurts our ability to attract talented individuals who want to contribute to our nation's success while pursuing the American Dream.

E. [President's Report to Congress on the Proposed Refugee Admissions for FY 21](#)

In a formal notification to Congress, the outgoing administration set the maximum number of refugees for admission to the United State for fiscal year 2021 to 15,000, which is the lowest level in place since the Refugee Act of 1980 established the current process. Manufacturers believe that the United States should be a beacon of hope for the world and that the words engraved on the Statue of Liberty are more than just words. As such, we encourage your administration to raise the refugee admissions numbers back to a level that reflects the needs of refugees around the world and is in line with our nation's history of helping the tired and weak. A reformed, well-functioning system for welcoming new people to this country will demonstrate compassion, bolster our nation's security and boost our economy.

F. [Presidential Proclamation 10052 – “Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak”](#)

This presidential proclamation restricts the entry of individuals on H-1B, L-1, J and H-2B work visas. Suspending the issuance of nonimmigrant visas for broad categories of employees and their family members harmed manufacturers and added additional uncertainty during a period of economic recovery. The NAM challenged this proclamation in federal court, and the court granted an injunction for NAM members and members of the plaintiff organizations. We will continue to challenge the proclamation in court, and if the outgoing administration extends the restrictions, we encourage your administration to swiftly repeal them.

G. [E.O. 13944 – “Ensuring Essential Medicines, Medical Countermeasures and Critical Inputs Are Made in the United States”](#)

The federal government should not be using today’s public health crisis to force manufacturers to alter medical supply chains and sourcing methods that are keeping both research and production operations going at an accelerated pace. Rather, manufacturers urge policymakers to increase industrial capacity in the United States by adopting the NAM’s recommendations on [“Strengthening the Manufacturing Supply Chain”](#) (part of our [“American Renewal Action Plan”](#)). Making the U.S. a more competitive jurisdiction for industrial investment can help strengthen and diversify manufacturing supply chains and reduce overdependence on any one source. Manufacturers strongly believe that the United States must maintain free flows of critical health products in and out of our country. Unfortunately, this executive order does not encourage growth in domestic medical manufacturing capacity; it instead creates new opportunities for retaliation and barriers to trade that could affect Americans’ ability to access critical products.

H. [E.O. 13948 – “Lowering Drug Prices by Putting America First”](#)

The high cost of health care is unsustainable for American families. Better market-oriented solutions are needed to address these costs. However, this executive order promotes risky drug importation and a complex federal payment system for Medicare Part B medicines. This piecemeal approach creates new challenges for pharmaceutical manufacturers without a clear indication of benefits to patients.

I. [E.O. 13957 – “Creating Schedule F in the Excepted Service”](#)

In October 2020, the outgoing administration issued an executive order creating a new schedule for federal employees that could remove protections for civil servants in policymaking roles, including government scientists. Science is critical to a well-functioning regulatory system, and manufacturers have long believed that all regulations should be based in sound science. Any executive action that politicizes science should be closely reviewed and considered for repeal.

II. Policy-Focused Executive Actions That Should Be Considered for Retention

The NAM focuses on the development of policy that supports the growth of manufacturing in the United States and allows us to hire American workers, invest in this country and raise wages and benefits. The outgoing administration undertook several executive orders that are consistent with these goals. Accordingly, we believe that the following items should be retained or strengthened. Doing so is in the interest of the American worker, and it will also bolster our competitiveness at this critical time when manufacturing must help lead our entire economy's recovery.

A. [E.O. 13771 – “Reducing Regulation and Controlling Regulatory Costs”](#)

Manufacturers support commonsense regulations that are based on sound science, which are critical to protecting consumers and the environment. However, the federal government has failed to review many existing regulations, and as a result, the cost of regulations has grown exponentially over time. This executive order reestablished Pay-As-You-Go spending requirements that the Clinton administration utilized in the 1990s, directing federal agencies to repeal two existing regulations for every new regulation and to do so in such a way that the total cost of regulations does not increase. Such policies are critical to maintaining financially prudent regulatory costs. As then-CBO Director Peter Orszag noted in July 2007 testimony to the House Budget Committee, PAYGO rules “contributed to the improvement in the fiscal balance during the 1990s.” We therefore urge you to maintain this executive order to encourage federal agencies to have a net-zero regulatory cost.

B. [E.O. 13805 – “Establishing a Presidential Advisory Council on Infrastructure”](#)

This executive order creates the Presidential Advisory Council on Infrastructure within the Department of Commerce to “advance infrastructure projects that create high-quality jobs for American workers, enhance productivity, improve quality of life, protect the environment and strengthen economic growth.” Manufacturers recognize the need for an overhaul of the U.S. infrastructure system and therefore encourage your administration to maintain the Presidential Advisory Council on Infrastructure. In addition, the NAM looks forward to working with your administration to improve our nation's infrastructure, consistent with the principles set forth in our [“Building to Win”](#) plan.

C. [E.O. 13766 – “Expediting Environmental Reviews and Approvals for High-Priority Infrastructure Projects”](#)

As noted above, much of the U.S. infrastructure is in desperate need of updating. It is therefore critical that the permitting and environmental reviews for these projects are prioritized and conducted in a thorough but efficient manner.

D. [E.O. 13845 – “Continuing the President's National Council for the American Worker and the American Workforce Policy Advisory Board”](#)

This order established the American Workforce Policy Advisory Board, composed of up to 25 members appointed by the president as representatives of various sectors of the economy, to “offer diverse perspectives on how the federal government can improve education, training and retraining” for American workers. The manufacturing industry suffers from a “skills gap,” in which

too few workers have the skills necessary to fill modern manufacturing jobs. The NAM and The Manufacturing Institute, the NAM's workforce development and education partner, are committed to addressing this challenge. The NAM served on the American Workforce Policy Advisory Board, along with other industry, education and state government leaders. In our experience, the board has been a positive force in bringing the public and private sectors together to help close the skills gap and ensure that all Americans have access to skills training.

E. [E.O. 13932 – “Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates”](#)

Manufacturers are continuing to evolve hiring practices by identifying and retaining talent based on skills and competencies rather than simply based on degrees. This order calls for the federal government to follow suit, modernizing its hiring practices to encourage a stronger emphasis on skills identification and the use of assessments to establish competency. Skills-based hiring allows for more inclusive hiring practices. Maintaining this order would allow the federal government to lead by example and give more Americans the opportunity for a fulfilling career.

F. [E.O. 13777 – “Enforcing the Regulatory Reform Agenda”](#)

Under this order, each agency must designate an official as its regulatory reform officer, who will be responsible for reviewing current regulations and making recommendations to the agency head on how to modify them. The RRO oversees regulatory agendas, focusing on regulations that are outdated or are perceived to curtail job creation and works with the Office of Information and Regulatory Affairs. We therefore encourage you to maintain this executive order.

G. [E.O. 13806 – “Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States”](#)

This executive order names national manufacturing as essential to the economic strength and national security of the United States and calls the loss of manufacturing jobs and an industrial base in the country a threat to national security. Our industry appreciates the recognition of our critical role, and we believe that being designated as essential will protect our ability to provide Americans with critically important goods, including personal protective equipment, medicine and food.

H. [E.O.s “Strengthening the Federal Government’s Anti-Counterfeiting Efforts”](#)

The outgoing administration undertook a number of actions that would allow the federal government to more forcefully combat the scourge of counterfeit goods (see, e.g., [E.O. 13785](#) and [E.O. 13904](#)). Counterfeits are a growing threat to manufacturers and consumers alike. Fake and counterfeit products cost the U.S. \$131 billion and 325,000 jobs in 2019 alone. By some estimates, global trade in counterfeits now exceeds \$500 billion per year. Moreover, the presence of counterfeits in the products Americans use to protect their health and safety during the pandemic has underscored the need for a firm federal response. While these executive orders are welcome, the NAM looks forward to working with your administration to enact additional proposals from our anti-counterfeiting whitepaper, [“Countering Counterfeits.”](#)

We hope that these recommendations can help inform you, Vice President–elect Harris and your entire transition team as you prepare to lead our great nation. On behalf of the millions of men and women who make things in America, I thank you for your commitment to manufacturing.

Sincerely,

A handwritten signature in black ink, appearing to read "J Timmons". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jay Timmons
President and CEO
National Association of Manufacturers