

# FIRST 100 DAYS AGENDA FOR ABORTION JUSTICE

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## RECOMMENDATIONS FOR THE BIDEN-HARRIS ADMINISTRATION

**This election came amid an inflection point for our country – the stakes could not be higher.**

We're still in the midst of the worsening COVID-19 pandemic, an economic crisis, and a national reckoning on systemic racism. All\* Above All believes that systemic racism, economic insecurity, and immigration status can multiply the already-massive barriers to abortion care--and that true abortion justice must incorporate racial, economic, and immigrant justice.

Our constituency is at the center of the public health and economic crises, while the number of people of color working to make ends meet is only growing. This year reminds us that restrictions that deny people abortion care are not separate issues from police violence, wage gaps, and deep inequities in our health care system -- they're all rooted in systemic racism that denies all people the ability to thrive and live their lives with dignity and economic security.

For the last four years, the Trump-Pence administration shamed, punished, and targeted people struggling financially, especially women of color, by pushing policies that deny them the ability to make their own decisions about their health and their lives with dignity and economic security. We've watched as a Supreme Court nominee was rushed through to tip the balance of our highest court, putting at risk our health care, our voting and worker's rights, LGBTQ rights, abortion rights, and more. We are not just talking about the legal right to abortion--that is not and was never enough. We must reimagine abortion access beyond Roe.

It is more critical now that people of color working to make ends meet have access to affordable healthcare, including abortion care. As unemployment skyrocketed and the need for health insurance increased, almost 5 million more people enrolled in Medicaid in the first quarter of the pandemic.<sup>1</sup> While Medicaid continues to be a critical safety net, the expanded impact of the Hyde Amendment means that even more people will face political interference as they work to make critical decisions about pregnancy.

A recent study found out of pocket costs for first trimester abortion would be catastrophic for households earning a state's median monthly income in the vast majority of states.<sup>2</sup> The impact of abortion coverage

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1. Corallo, B., Rudowitz, R. (2020). Analysis of Recent National Trends in Medicaid and CHIP Enrollment. [Analysis of Recent National Trends in Medicaid and CHIP Enrollment](#)

2. Zuniga, C., Thompson, T., Blanchard, K. (2020) Abortion as a Catastrophic Health Expenditure in the United States. Women's Health Issues. Retrieved from: [Abortion as a Catastrophic Health Expenditure in the United States](#)

bans, resulting in someone being denied an abortion, can have long-term effects on a family's economic future.<sup>3</sup> To avoid families experiencing more economic hardship, the Biden administration should end bans on insurance coverage of abortion care.

The new administration can and should build back bolder by centering the voters who turned out in droves and are also the communities most impacted by all three crises: women of color, especially Black women and people struggling financially. The Biden administration can take the following day one, first 30 days, and first 100 days actions to build a stronger foundation for our communities. Additionally, this document includes Congressional actions to advance this agenda.

*Special thanks to Jobs With Justice, One Fair Wage, and United We Dream for your partnership.*

## DAY 1

On day one, the president must issue the following executive orders:

- › Issue an executive order unequivocally stating his commitment to protect and expand access to comprehensive reproductive health care and uphold sexual and reproductive rights, including abortion care, in the U.S. and around the world. The executive order must also rescind or revoke prior executive actions limiting access to care.<sup>4</sup>
  - This executive order includes rescinding Executive Order 13535 Patient Protection and Affordable Care Act's Consistency with Longstanding Restrictions on the Use of Federal Funds for Abortion.
  - It also directs the Secretary of Health and Human Services to 1) issue guidance to lift the FDA's in-person dispensing requirement for mifepristone for the duration of the public health emergency, consistent with similar directives and waivers issued to reduce risk of COVID-19 and 2) request that the FDA review the Risk Evaluation and Mitigation Strategy (REMS) for mifepristone to determine whether a REMS remains necessary, or whether the goals and elements should be modified or removed from the approved strategy to best reflect scientific evidence and real-world use.<sup>5</sup>
- › Issue an executive order to raise the minimum wage for federal contractors to \$15 per hour immediately, updated annually going forward, and also stating that the minimum wage for federal contractors shall always be at least 10% higher than the federal minimum wage. It should also require federal contractors to pay tipped workers the same minimum wage as any other worker, before tips.
- › Issue an executive order establishing the High Road Kitchens program as a federal program. Currently, the program exists in coordination with Governors and Mayors in California, New York City, Boston, Chicago, Detroit, and Washington, D.C. It provides cash grants to restaurants willing to commit to transition to One Fair Wage, go through an equity program, and provide 500 free meals to the community.
- › Issue an executive order establishing the White House Council for Gender Policy and the White House Council for Racial Equity, each led by an Assistant to the President.

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3. [Turnaway Study](#)

4. [First Priorities: Executive and Agency Actions](#)

5. [First Priorities: Executive and Agency Actions](#)

## FIRST 30 DAYS

- › The President's budget must demonstrate a commitment to sexual and reproductive health. The Biden administration can make good on their campaign promise to support ending the Hyde Amendment<sup>6</sup> by removing it and related restrictions from the President's budget. This is a critical first step to ensure that everyone has abortion coverage, regardless of their income or source of insurance.
- › We also urge President-elect Biden to signal his support for ending the Hyde Amendment to Congress by issuing a Statement of Administration Policy committing to veto legislation that extends, reiterates or incorporates the Hyde Amendment and related restrictions, including annual appropriations bills.
- › The President must commit to negotiating with Congress to pass a COVID-19 relief bill at least as broad as the HEROES Act passed by the House of Representatives on May 15, 2020. Any COVID-19 relief bill should include the President-elect's priority of not just praising workers but paying them by raising the federal minimum wage to \$15/hour and eliminating the tipped wage.<sup>7</sup>
- › The president must commit to including workers on his COVID-19 advisory board<sup>8</sup> to advise the administration on worker health and safety as well as all other aspects of economic recovery and safely reopening.
- › Rescind the regulations within the Pre-Existing Condition Insurance Plan Program that exclude DACA recipients from benefits under the ACA, including tax credits, cost sharing, and the marketplaces. It is critical that the Biden administration does this within the first 30 days as any additional delay in health-care access during the COVID-19 pandemic puts the health of DACA recipients, their families, and the wider community at risk.<sup>9</sup>

## FIRST 100 DAYS

- › Within the first 45 days, the Biden administration must initiate the process of rescinding the following regulations: Patient Protection and Affordable Care Act; Exchange Program Integrity, imposing onerous and arbitrary requirements on insurance issuers that offer health plans that include abortion coverage on the ACA marketplace. The administration should stop defending the regulations in court.
- › The Biden administration must commit to protecting essential workers from the deportation system, issuing guidelines for the Department of Homeland Security not to initiate deportations or continue the deportation process for any workers who have been designated essential by local, state, or federal governments or the agencies as well as all workers who come into regular contact with the general public, co-workers, or patients and do not have access to regular telework.
- › Instruct the Department of Labor to enforce wage and tip laws. Low-wage workers, who are dispro-

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6. [The Biden Agenda for Women](#)

7. [Economic Recovery | President-Elect Joe Biden](#)

8. [Here's who's on Joe Biden's Covid-19 advisory board](#)

9. [First Priorities: Executive and Agency Actions](#)

portionately people of color, are making fewer tips and not reaching minimum wage because sales are down. Workers need large-scale enforcement of these laws to guarantee that employers ensure workers make a minimum wage.

- › The Office of Refugee Resettlement (ORR) must rescind a 2008 policy that requires heightened ORR involvement in abortions and issue new guidance to ensure that all care facilities provide minors with timely, confidential access to family planning services, including pregnancy tests and comprehensive, non-directive information about and access to reproductive health services, such as abortion and contraception, including emergency contraception. It must also protect minors' confidentiality and ensure their timely access to courts to seek judicial authorization for abortion, if needed.<sup>10</sup>

## CONGRESSIONAL ACTIONS FOR ABORTION JUSTICE

- › Pass the EACH Woman Act (EACH) and the Women's Health Protection Act (WHPA) as necessary federal responses to expand abortion access in the U.S. after decades of federal and state interference.<sup>11</sup>
- › End the Hyde Amendment and related restrictions and ensure that everyone has abortion coverage, regardless of their income or source of insurance. Congress should end all abortion coverage bans in all appropriations bills.
- › Any COVID-19 relief bill should include the President-elect's priority of not just praising workers but paying them by raising the federal minimum wage to \$15/hour and eliminating the tipped wage.<sup>12</sup>
- › Any COVID-19 relief bill championed by the Biden administration and passed by Congress should not include restrictions on reproductive health care, including abortion coverage bans like the Hyde Amendment.
- › To ensure all people who can get pregnant can access asylum, Congress and the Attorney General should amend the asylum provisions to expand eligibility, particularly by adding gender and sexual identities as recognized protected grounds.
- › Congress should also earmark as much ICE and CBP detention funding as possible for supporting those who have been detained: funding for healthcare, education, and job training. Any funding should not be subjected to bans on abortion coverage like the Hyde Amendment.

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10. [First Priorities: Executive and Agency Actions](#)

11. [Blueprint for Sexual and Reproductive Health, Rights, and Justice](#)

12. [Economic Recovery | President-Elect Joe Biden](#)

*Organizational endorsement is an indication of solidarity within our movement and a recognition of the urgency of these policies. Endorsement does not necessarily mean that organizations have expertise on or are actively working towards each priority or policy listed.*