



The Biden Administration's Initial Presidential Directives in Context

Updated May 10, 2021

In its first 100 days, the Biden Administration issued a number of presidential directives that have drawn significant public attention for their [speed and range of purposes](#). A review of the pace with which recent presidential Administrations issued executive orders shows the Biden Administration issued more executive orders than its recent predecessors during the first week and first 100 days of a first term. This Insight provides a brief overview of that activity and what it might mean for the rest of the Administration.

What Are Presidential Directives?

[Presidential directives](#) are tools Presidents use to announce administration policy and make declarations in their roles as leader of the executive branch, commander in chief of the Armed Forces, and head of state. Directives include well-known documents, such as executive orders and proclamations, as well as a variety of less well-known documents, including memoranda, notices, and decisions. While there are some legally relevant differences among the types of directives, especially related to whether they must be published in the *Federal Register*, in most cases the form of the directive is not as clear or legally significant as it might appear, especially in comparison to its content.

Presidential directives have the [force and effect of law](#) if they are based on power granted by the U.S. Constitution, or delegated by Congress, to the President. However, because they are an exercise of the authority of the presidency, existing directives can be, and frequently are, [modified or revoked across Administrations](#) to reflect new or evolving priorities and policies. Such actions are especially likely to occur when a new President takes office. Also, if the President is acting under a grant of authority from Congress, Congress may legislate to alter that authority, prevent the implementation of a directive, or codify a directive in statute.

Some types of directives, such as executive orders and proclamations, are [published in the *Federal Register* and archived on its website](#). All of the unclassified directives issued by the Biden Administration to date are currently available on the [White House website](#). These actions have received significant attention and may raise a variety of legal and policy questions. The purpose of this Insight is to describe

Congressional Research Service

<https://crsreports.congress.gov>

IN11588

this activity generally and not provide details for individual orders. CRS has other products available discussing the content of some of these actions.

What Has the Biden Administration Done So Far?

President Biden's team has offered actions that include executive orders, proclamations, and memoranda. During its first 100 days in office, the Biden Administration issued at least 115 presidential actions (as the [Administration refers to them](#)), including 42 executive orders, 59 proclamations (most of which were commemorative), and 14 memoranda establishing Administration policy. These presidential directives cover a variety of issue areas, including the federal response to the COVID-19 pandemic, immigration, the census, and government operations, and many explicitly revoke or supersede executive orders issued during the Trump Administration.

While the White House website appears to include all nonclassified directives issued by President Biden from January 20, 2021, to April 30, 2021, the Administration may have issued other classified directives that are not publicly available and thus not identified.

How Does the Biden Administration Compare to Its Predecessors?

The Biden Administration has exceeded any of its recent predecessors in the number of executive orders issued during the first 100 days of its first term, as reflected in **Table 1**. After issuing significantly more executive orders in his first week than other recent Presidents, President Biden's pace has slowed. While it may be possible to identify some presidential actions other than executive orders from previous Administrations, it would be difficult to compare across Administrations due to differences in classification and reporting of such actions.

Table 1. Executive Orders During First Year of New Presidential Administrations
2001-2021

	First Week	First 100 Days	First Year
Joe Biden	24	42	n/a
Donald Trump	5	33	58
Barack Obama	5	19	41
George W. Bush	0	12	56

Source: *Federal Register*, "Executive Orders," <https://www.federalregister.gov/presidential-documents/executive-orders>.

Notes: The table includes only those actions identified as executive orders in the *Federal Register*. The [National Archives and Records Administration](#) maintains an online archive of executive orders that begins in 1994.

It remains to be seen how the Biden Administration will compare to other Administrations over the course of a full term. The unique confluence of circumstances attending the start of the Biden Administration, including the COVID-19 pandemic and the change between political parties holding the presidency, may be major drivers of the number of directives issued to date. If so, a fast start may not signal how the Biden Administration will use directives in the future to advance its legislative and policy agenda. The extent to which President Biden is able to enact his priorities through legislation may be an important factor in the Administration's use of presidential directives. If that proves difficult in Congress, the Administration may be more open to executive action on some issues.

Just as it is difficult to guess how often President Biden might issue presidential directives over the course of his time in office, it is also unclear how much effect those actions might have on government policy. While President Biden has made clear changes to federal policy already, many of those actions revoked Trump Administration policies or involved policy areas with long histories of presidential action. Therefore, a major question among observers that remains unanswered is whether President Biden's use of presidential directives will push the boundaries of presidential power.

Author Information

Ben Wilhelm
Analyst in Government Organization and Management

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.