Executive Order 14009—Strengthening Medicaid and the Affordable Care Act
January 28, 2021

By the authority vested in me as President by the Constitution and the laws of the United
States of America, it is hereby ordered as follows:

Section 1. Policy. In the 10 years since its enactment, the Affordable Care Act (ACA) has
reduced the number of uninsured Americans by more than 20 million, extended critical consumer
protections to more than 100 million people, and strengthened and improved the Nation's
healthcare system. At the same time, millions of people who are potentially eligible for coverage
under the ACA or other laws remain uninsured, and obtaining insurance benefits is more difficult
than necessary. For these reasons, it is the policy of my Administration to protect and strengthen
Medicaid and the ACA and to make high-quality healthcare accessible and affordable for every
American.

Sec. 2. Special Enrollment Period. The coronavirus disease 2019 (COVID–19) pandemic has
triggered a historic public health and economic crisis. In January of 2020, as the COVID–19
pandemic was spreading, the Secretary of Health and Human Services declared a public health
emergency. In March of 2020, the President declared a national emergency. Although almost a
year has passed, the emergency continues—over 5 million Americans have contracted the disease
in January 2021, and thousands are dying every week. Over 30 million Americans remain
uninsured, preventing many from obtaining necessary health services and treatment. Black,
Latino, and Native American persons are more likely to be uninsured, and communities of color
have been especially hard hit by both the COVID–19 pandemic and the economic downturn. In
light of the exceptional circumstances caused by the ongoing COVID–19 pandemic, the Secretary
of Health and Human Services shall consider establishing a Special Enrollment Period for
uninsured and under-insured Americans to seek coverage through the Federally Facilitated
Marketplace, pursuant to existing authorities, including sections 18031 and 18041 of title 42,
United States Code, and section 155.420(d)(9) of title 45, Code of Federal Regulations, and
consistent with applicable law.

Sec. 3. Immediate Review of Agency Actions. (a) The Secretary of the Treasury, the Secretary
of Labor, the Secretary of Health and Human Services, and the heads of all other executive
departments and agencies with authorities and responsibilities related to Medicaid and the ACA
(collectively, heads of agencies) shall, as soon as practicable, review all existing regulations,
orders, guidance documents, policies, and any other similar agency actions (collectively, agency
actions) to determine whether such agency actions are inconsistent with the policy set forth in
section 1 of this order. As part of this review, the heads of agencies shall examine the following:

(i) policies or practices that may undermine protections for people with pre-existing
conditions, including complications related to COVID–19, under the ACA;

(ii) demonstrations and waivers, as well as demonstration and waiver policies, that may
reduce coverage under or otherwise undermine Medicaid or the ACA;

(iii) policies or practices that may undermine the Health Insurance Marketplace or the
individual, small group, or large group markets for health insurance in the United
States;

(iv) policies or practices that may present unnecessary barriers to individuals and
families attempting to access Medicaid or ACA coverage, including for mid-year
enrollment; and
(v) policies or practices that may reduce the affordability of coverage or financial assistance for coverage, including for dependents.

(b) Heads of agencies shall, as soon as practicable and as appropriate and consistent with applicable law, consider whether to suspend, revise, or rescind—and, as applicable, publish for notice and comment proposed rules suspending, revising, or rescinding—those agency actions identified as inconsistent with the policy set forth in section 1 of this order.

(c) Heads of agencies shall, as soon as practicable and as appropriate and consistent with applicable law, consider whether to take any additional agency actions to more fully enforce the policy set forth in section 1 of this order.

Sec. 4. Revocation of Certain Presidential Actions and Review of Associated Agency Actions.

(a) Executive Order 13765 of January 20, 2017 (Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal), and Executive Order 13813 of October 12, 2017 (Promoting Healthcare Choice and Competition Across the United States), are revoked.

(b) As part of the review required under section 3 of this order, heads of agencies shall identify existing agency actions related to or arising from Executive Orders 13765 and 13813. Heads of agencies shall, as soon as practicable, consider whether to suspend, revise, or rescind—and, as applicable, publish for notice and comment proposed rules suspending, revising, or rescinding—any such agency actions, as appropriate and consistent with applicable law and the policy set forth in section 1 of this order.

Sec. 5. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN, JR.

The White House,

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NOTE: This Executive order was published in the Federal Register on February 2.

Categories: Executive Orders : Medicaid and the Patient Protection and Affordable Care Act, strengthening efforts.


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