

ADMINISTRATION/ENERGY**Executive Actions****January 31, 2025
Special Report #2646**

On January 20, President Trump signed more than 200 executive actions. He signed a record 42 executive orders and 115 personnel actions. He rescinded 78 executive actions taken by the Biden Administration including: (1) Executive Order (EO) #14007, establishing the Presidents Council of Advisors on Science and Technology (PCAST); (2) EO #14052 on the implementation of the Infrastructure Investment and Jobs Act (IIJA); (3) EO #14082 on the Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act (IRA); and (4) actions addressing climate change such as EO #13990, EO #14008, and EO #14027.

Declaring a National Energy Emergency

One of President Trump's Executive Orders declared a national energy emergency, citing inadequate energy supplies and infrastructure as a threat to national security and economic prosperity. The order directed "executive departments and agencies to identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may possess" to: (1) facilitate the identification and development of energy resources on federal lands, including hydrocarbons and hydropower but omitting solar and wind; (2) expedite the completion of all authorized infrastructure, energy, environmental, and natural resources projects with appropriated funds; (3) facilitate the supply, refining, and transportation of energy in and the through the U.S. West Coast and Northeast, and Alaska.

Section 4 directed specific actions to streamline the permitting process. The heads of all agencies were directed to identify and report to the Office of Management and Budget (OMB) planned or potential actions that may be subject to emergency treatment pursuant to the Clean Water Act § 404, Rivers and Harbors Act § 10, and the Marine Protection Research and Sanctuaries Act § 103. The order directed the agencies to use emergency consultation processes under the Endangered Species Act (ESA) and to convene the ESA Committee (aka, the "God Squad") not less than quarterly. The Committee has the authority to exempt an agency action from the requirements of § 7(a)(2), which requires Federal agencies to consult with the U.S. Fish and Wildlife Service (Service) and/or National Marine Fisheries Service to ensure that actions agencies authorize, fund, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats. Section 5 directed the same for actions that may facilitate energy supply and are subject to ESA consultations.

Unleashing Alaskas Extraordinary Resource Potential

This order established that it is the policy of the United States to fully avail itself of Alaska's vast lands and resources by expediting permitting and leasing of energy and natural resource projects. It directed the heads of all executive departments and agencies to rescind or grant exemptions from all agency actions that are inconsistent with the policy set forth in the order. It directed an end to restrictions against resource and access development at the Arctic National Wildlife Refuge area, Alaska Coastal Plains, Ambler Road, National Petroleum Reserve, King Cove and Cold Bay, and other areas.

On January 22, Governor Mike Dunleavy (R-AK) held a press conference to discuss the impact the executive order would have on the State. Dunleavy acknowledged that there would likely be lawsuits but celebrated the opportunities the EO's afforded Alaska. He emphasized that Alaska is a natural resource State, capable of managing those resources: "This idea that we're going to enter an era of 1800s unbridled resource development and environmental destruction—nobody believes that's going to happen.... Alaska takes care of its environment, regardless of what the federal government says." Vincent Lang, Department of Fish and Game, pointed out that the executive order directs DOI to restore ownership of Alaska's navigable waterways granted under the Alaska Statehood Act, of which less than 6% had been conveyed. Attorney General Treg Taylor emphasized that the executive orders mean an immediate end to the federal government's attack on Alaska's sovereignty and its right to responsibly develop its resources. He stated that the new alignment will be a "powerful reinforcement" for the state in the continued fight to develop its resources.

Unleashing American Energy

The Unleashing American Energy order outlined a new U.S. government policy to promote energy production on federal lands and waters. Agency heads are directed to support mining, protect economic security, ensure energy regulations are grounded in law, ensure a competitive market for goods and appliances, report global effects of federal action separately from domestic costs and benefits, and prevent federal funding from being used in ways that contradict these principles. It

directed all agencies to immediately pause disbursement of funds appropriated through the IRA or IJJA. The agencies were directed to review their processes, policies, and programs for issuing grants, loans, contracts, or any other financial disbursements of such appropriated funds for consistency with the law and the U.S. policy previously outlined. It directs that no IRA/IJJA funds should be disbursed by a given agency until the Director of OMB and Assistant to the President for Economic Policy have determined that such disbursements are consistent with any review recommendations they have chosen to adopt.

President Trump also directed all agency heads to review all existing regulations that impose an undue burden on the identification, development, or use of domestic energy resources – with particular attention to oil, natural gas, coal, hydropower, biofuels, critical mineral, and nuclear energy resources. The order directed the U.S. Attorney General to consider whether pending litigation against illegal, dangerous, or harmful policies should be resolved through stays or other relief. It directed the Council on Environmental Quality (CEQ) to provide guidance on implementing the National Environmental Policy Act (NEPA), propose rescinding its NEPA regulations, and convene a working group to expedite permitting approvals. It directed all agencies to: (1) prioritize efficiency and certainty over any other objectives, including those of activist groups that do not align with the policy goals; (2) adhere to only the relevant legislated requirements for environmental considerations in NEPA and other permitting reviews; and (3) eliminate all considerations beyond those requirements.