PRESIDENTIAL ACTIONS

Unleashing American Energy

Executive Orders | January 20, 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:

Section 1. Background. America is blessed with an abundance of energy and natural resources that have historically powered our Nation's economic prosperity. In recent years, burdensome and ideologically motivated regulations have impeded the development of these resources and have artificially suppressed domestic energy production, raised consumer prices and inflicted high energy costs upon our citizens. These high energy costs disproportionately burden American consumers by driving up the cost of transportation, heating, utilities, farming, and manufacturing, while weakening our national security.

It is thus in the national interest to unleash America's affordable and reliable energy and natural resources. This will restore American prosperity — including for those men and women who have been forgotten by our economy in recent years. It will also rebuild our Nation's economic and military security, which will deliver peace through strength.

Sec. 2. Policy. It is the policy of the United States:

(a) to encourage energy exploration and production on Federal lands and waters, including on the Outer Continental Shelf, in order to meet the needs of our citizens and solidify the United States as a global energy leader long into the future;

(b) to establish our position as the leading producer and processor of non-fuel minerals, including rare earth minerals, which will create jobs and prosperity for American workers, strengthen supply chains for the United States and its allies, and reduce the global influence of malign and adversarial states;

(c) to protect the United States's economic and national security and military preparedness by ensuring that it can meet supply of reliable energy is readily available to every State and territory of the Nation;

(d) to ensure that all regulatory requirements related to energy are grounded in clearly applicable law;

(e) to eliminate the "electric vehicle (EV) mandate" and promote true consumer choice, which includes ensuring that the American consumer can purchase the energy source for their vehicle across its ownership and regardless paying field for consumer choice in vehicles by terminating, where appropriate, state emissions waivers that function to limit sales of gasoline-powered automobiles, and by considering the elimination of unfair subsidies and other ill-conceived government-imposed market distortions that favor EVs over other technologies and effectively mandate their purchase by individuals, small businesses, and government entities alike by rendering other types of vehicles unaffordable;

(f) to safeguard the American people's freedom to choose from a variety of goods and appliances, including but not limited to lightbulbs, dishwashers, washing machines, gas stoves, water heaters, toilets, and shower heads, and to promote market competition and innovation within the manufacturing and appliance industries;

(g) to ensure that the significant effects of a rule, regulation or action shall, wherever evaluated, be reported separately from its domestic costs and benefits, in order to promote sound regulatory decision-making and prioritize the interests of the American people;

(h) to guarantee that all executive departments and agencies (agencies) provide opportunity for public comment and rigorous, peer-reviewed scientific analysis; and

(i) to ensure that no Federal funding be employed in a manner contrary to the principles outlined in this section, unless required by law.

Sec. 3. Immediate Review of All Agency Actions that Potentially Burden the Development of Domestic Energy Resources. (a) All agency actions, including but not limited to regulations, orders, guidance documents, policies, settlements, consent orders, and any other agency actions (collectively, agency actions) to identify those agency actions 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 — or that are otherwise inconsistent with the policies set forth in section 2 of this order, including restrictions on consumer choice of vehicles and appliances.

(b) Within 30 days after the date of this order, the head of each agency shall, in consultation with the director of the Office of Management and Budget (OMB) and the National Economic Council (NEC), develop and begin implementing action plans to identify those agency actions identified as unduly burdensome under subsection (a) of this section, as consistent with applicable law, and to suspend, revise, or rescind, or, if the agency head determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the Director of OMB a written statement to that effect and, absent a determination by the Director of OMB that such agency does have agency actions described in this subsection, shall have no further responsibilities under this section.

(c) Agencies shall promptly notify the Attorney General of any steps taken pursuant to subsection (a) of this section so that the Attorney General may, as appropriate:

(i) provide notice of this Executive Order and any such actions to any court with jurisdiction over pending litigation in which such actions may be relevant; and

(ii) request that such court stay or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the administrative actions described in this order.

(d) Pursuant to the policy outlined in section 2 of this order, the Attorney General shall consider whether pending litigation against illegal, dangerous, or harmful policies should be resolved through stays or other relief.

Sec. 4. Revocation of and Revisions to Certain Presidential and Regulatory Actions. (a) The following are revoked and any offices established therein are abolished:

(i) Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis);

(ii) Executive Order 13992 of January 20, 2021 (Revocation of Certain Executive Orders Concerning Federal Regulation);

(iii) Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad);

(iv) Executive Order 14017 of January 27, 2021 (President's Council of Advisers on Science and Technology);

(v) Executive Order 14013 of February 4, 2021 (Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change in Africa);

(vi) Executive Order 14027 of May 7, 2021 (Establishment of the Climate Change Support Office);

(vii) Executive Order 14030 of May 20, 2021 (Climate-Related Financial Risk);

(viii) Executive Order 14037 of August 5, 2021 (Strengthening American Leadership in Clean Cars and Trucks);

(ix) Executive Order 14057 of December 8, 2021 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability);

(x) Executive Order 14072 of April 22, 2022 (Strengthening the Nation's Forests, Communities, and Local Economies);

(xi) Executive Order 14082 of September 12, 2022 (Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022); and

(xii) Executive Order 14096 of April 21, 2023 (Revitalizing Our Nation's Commitment to Environmental Justice for All).

(b) All activities, programs, and operations associated with the American Climate Corps, including actions taken by any agency shall be terminated immediately. Within one day of the date of this order, the head of each agency of the internal audit entity or of parties to the "American Climate Corps Memorandum of Understanding" dated December 2022 to terminate the memorandum, and the head of each such entity to the memorandum shall agree to the termination.

(c) Any assets, funds, or resources allocated to an entity or program abolished by subsection (a) of this section shall be redirected or disposed of in accordance with applicable law.

(d) The head of an agency that has taken action respecting other agency actions in subsection (a) shall take all necessary steps to ensure that all such actions are terminated or, if necessary, approximate or required by law, that such actions are rescinded or revised by agencies or entities.

(e) Any contract or agreement between the United States and any third party on behalf of the entities or programs abolished in subsection (a) of this section, or in furtherance of them, shall be terminated for convenience, or otherwise, as quickly as permissible under the law.

Sec. 5. Unleashing Energy Dominance through Efficient Permitting. (a) Executive Order 11991 of May 24, 1977 (Relating to protection and enhancement of environmental quality) is hereby revoked.

(b) To expedite and simplify the permitting process, within 30 days of the date of this order, the Chairman of the Council on Environmental Quality (CEQ) shall issue guidance on implementing the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and promise rescinding CEQ's NEPA regulations found at 40 CFR 1500 et seq.

(c) Following the promulgation of the guidance, the Chairman of CEQ shall convene a working group to coordinate the revision of agency level implementing procedures for consistency. The guidance in subsection (b) and any resulting implementing regulations must expedite permitting approvals and make decisions established in the Fiscal Responsibility Act of 2023 (Public Law 118-5). Consistent with applicable law, all agencies must prioritize efficiency and timeliness in permitting and design their NEPA processes to ensure that they effectuate the policy set forth in section 2 of this order or that could otherwise add delays and ambiguity to the permitting process.

(d) The Secretaries of Defense, Interior, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Homeland Security, and the Administrator of the Environmental Protection Agency (EPA), the Chairman of CEQ, and the heads of any other relevant agencies shall undertake all available efforts to eliminate all delays within their respective permitting processes, including through, but not limited to, the use of general permitting and permit by rule. For any project an agency head deems essential for the promotion of national security, agencies shall use all possible authorities, including emergency authorities, to expedite the adjudication of Federal permits. Agencies shall work closely with project sponsors to resolve the ultimate construction or development of approved projects.

(e) The Director of the NEC and the Director of the NEC and the Office of Legislative Affairs shall jointly prepare recommendations to Congress, which shall:

(i) facilitate the permitting and construction of interstate energy transportation and other critical energy infrastructure, including, but not limited to, pipelines, particularly in regions of the Nation that have experienced such development in recent years; and

(ii) provide greater certainty in the Federal permitting process, including, but not limited to, streamlining the judicial review of the application of NEPA.

Sec. 6. Promoting Accuracy in Environmental Analyses. (a) In all Federal permitting adjudications or regulatory processes, all agencies shall adhere to only the relevant legislated requirements for environmental considerations and any considerations beyond these requirements are eliminated. In fulfilling all such requirements, agencies shall strictly use the scientific methodologies that are most reliable and shall not dispose with methodologies that are arbitrary and ideologically motivated.

(b) The Interagency Working Group on the Social Cost of Greenhouse Gases (IWG), which was established pursuant to Executive Order 13990, is hereby disbanded, and any guidance or other documents issued by the IWG shall be rescinded by the EPA's Administrator no longer representative of governmental policy initiatives.

(c) the Presidential Memorandum of January 27, 2021 (Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking).

(d) the Report of the Greenhouse Gas Monitoring and Measurement Interagency Working Group (Methane Working Group) (Methane Report) issued on or transmitted to Congress by the Office of Science and Technology Policy, Management, and Information System;

(e) the Technical Support Document of February 2021 (Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990); and

(f) estimates of the social cost of greenhouse gases, including the estimates for the social cost of carbon, the social cost of methane, or the social cost of nitrous oxide based, in whole or in part, on the Methane Report or guidance.

(g) The calculation of the "social cost of carbon" is marked by logical deficiencies, a poor basis in empirical science, justification, and the absence of a foundation in regulation. Its abuse and misuse by the Federal government in the past to justify the promulgation of internationally unsustainable, encourages a greater human impact on the environment by affording less efficient foreign energy producers a greater share of the global energy and natural resource market. Consequently, within 60 days of the date of this order, the Administrator of the EPA shall issue guidance to address these harmful and detrimental effects on American energy independence and security, the "Social cost of carbon" calculation from any Federal regulatory or regulatory decision.

(h) Prior to the guidance issued pursuant to subsection (c) of this section, agencies shall ensure estimates to assess the value of changes in greenhouse gas emissions resulting from agency actions, consistent with respect to the consideration of domestic energy international effects and evaluating appropriate discount rates, are to the extent permitted by law, consistent with the guidance contained in OMB Circular A-4, or Regulatory Analysis, Regulatory Analysis.

(i) Furthermore, the head of each agency shall, as appropriate and consistent with applicable law, initiate a process to make such changes to any rule, regulation, policy or action as may be necessary to ensure consistency with the Regulatory Analysis.

(j) Within 30 days of the date of this order, the Administrator of the EPA, in collaboration with the heads of other relevant agencies, shall submit joint recommendations to the Director of OMB on the legality and continuing applicability of the Administrator's findings, determinations, and conclusions in the "Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Act", Final Rule, 74 FR 66496 (December 15, 2009).

Sec. 7. Terminating the Green New Deal. (a) All agencies shall immediately pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58), including but not limited to funds for electric vehicle charging stations made available through the National Electric Vehicle Formula Program, the Charging and Fueling Infrastructure Grant and Standards Discretionary Grant Program, and all other relevant programs, projects, and programs for leasing grants, loans, contracts, or any other financial disbursements of such appropriated funds for consistency with the law and the policy outlined in section 2 of this order. Within 90 days of the date of this order, all agency heads shall submit a report to the Director of the NEC and the Director of OMB detailing the status of all such programs, projects, and programs and enhance their alignment with the policy set forth in section 2. No funds identified in this subsection (a) shall be disbursed by a given agency until the Director of OMB and Assistant to the President for Economic Policy have determined that such disbursement is consistent with any review recommendations they have chosen to adopt.

(b) When procuring goods, services, making decisions about leases, and making other agency expenditures and disbursements of Federal funds, agencies shall prioritize cost-effectiveness, American workers and businesses, and the economic vitality of proper money, to the greatest extent. The Director of OMB shall finalize and circulate guidelines to further implement this section.

(c) All agencies shall assess whether enforcement discretion of authorities and regulations can be utilized to advance the policy outlined in section 2 of this order. Within 30 days of the date of this order, each agency shall submit a report to the Director of OMB identifying any such instances.

Sec. 8. Protecting America's National Security(a) The Secretary of Energy is directed restart decisions of applications for approvals of liquified natural gas projects to the expeditiously as possible, consistent with applicable law. In assessing the "Public Interest" to be advanced by any particular application, the Secretary of Energy shall consider the economic and employment impacts to the United States and the impact to the security of allies and partners that would result from accepting the application.

(b) With respect to any proposed deepwater port for the export of liquefied natural gas (project) for which a complete record of decision (ROD) has previously been issued pursuant to the Deepwater Port Act of 1974 (DWPA), 33 U.S.C. 1501 et seq., the Administrator of the Maritime Administration (MARAD) shall, within 30 days of the date of this order, or as soon as consistent with applicable law, determine whether any refinements to the project proposed in the application for which the ROD was issued are necessary to ensure that the project adequately addresses the risks associated with the originally-analyzed port to be sited, to prevent a seriously different picture of the foreseeable adverse environmental consequences seriously different consequences. In making this determination, MARAD shall take into account any differences in adverse environmental consequences between the project with and without the refinements. If MARAD determines that the refinements are consistent with the Final Environmental Impact Statement (EIS), which shall be deemed adequate under NEPA notwithstanding any revisions to NEPA that may have been enacted following the Final EIS, MARAD shall submit this determination, together with a detailed justification, to the Secretary of Transportation and to the President.

(c) Pursuant to subsection (b) of this section, if MARAD determines that such refinements are needed, the Secretary of Transportation shall publish in the Federal Register a determination a description of the refinements to supplement and update the ROD, if necessary and then no later than 30 additional days, the lead agency shall issue a DWPA license.

(d) If MARAD determines, with concurrence from the Secretary of Transportation, that such refinements are not needed, MARAD shall issue a DWPA license consistent with the ROD within 60 days after submitting such determination, issue an Environmental Assessment (EA) examining such consequences and, with respect to all other environmental consequences not changed due to project refinements, shall reaffirm the conclusions of the final EIS. Within 30 days after issuing the EA, MARAD shall issue an addendum to the ROD, if necessary, and shall, within 30 additional days, issue a DWPA license consistent with the ROD.

Sec. 9. Restoring America's Mineral Dominance. (a) The Secretary of the Interior, Secretary of Agriculture, Administrator of the EPA, Chairman of CEQ, and the heads of any other relevant agencies, as appropriate, shall identify all agency actions that impose undue burdens on the domestic mining and processing of non-fuel minerals and critical minerals, or have rescind such actions.

(b) The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision.

(c) The Secretary of the Interior shall instruct the Director of the U.S. Geological Survey to consider updating the Survey's list of critical minerals, including for the potential of including uranium.

(d) The Secretary of the Interior shall prioritize efforts to accelerate the ongoing, detailed geologic mapping of the United States, with a focus on locating previously unknown deposits of critical minerals.

(e) The Secretary of Energy shall ensure that critical mineral projects, including the processing of critical minerals, receive consideration for Federal support, contingent on the availability of appropriated funds.

(f) The United States Trade Representative shall assess whether exploitative practices and state-assisted mineral projects abroad are unfair or unduly burden or restrict United States commerce.

(g) The Secretary of Commerce shall assess the national security implications of the Nation's mineral reliance and the potential for trade action.

(h) The Secretary of National Security shall assess the quantity and inflow of minerals that are likely to be produced or refined into the United States and whether such inflows pose a threat to national security and, within 90 days of the date of this order, shall provide this assessment to the Director of the NEC.

(i) The Secretary of Defense shall consider the needs of the United States in supplying and maintaining the Nation's Defense Stockpile, review the legal authorities and obligations in managing the National Defense Stockpile, and take all appropriate steps to ensure that the Defense Stockpile and program provide a robust supply of critical minerals for current and future stockpiles.

(j) Within 60 days of the date of this order, the Secretary of Commerce, Secretary of Defense, Secretary of Labor, the United States Trade Representative, and the heads of any other relevant agencies, as appropriate, shall provide a report to the President of the Economic Policy that includes policy recommendations to enhance the competitiveness of American mining and refining companies in other mineral-wealthy nations.

(k) The Secretary of State shall consider opportunities to advance the mining and processing of minerals within the United States through the Quadrilateral Security Dialogue.

Sec. 10. 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 OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner 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.

THE WHITE HOUSE,

January 20, 2021.

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