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Trump Administration Issues Executive Orders Impacting the Energy Industry

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Executive Order: Establishing the National Energy Dominance Council

President Donald J. Trump on February 14, 2025, signed an Executive Order (EO) to establish the National Energy Dominance Council (Council). Secretary of the US Department of the Interior Doug Burgum serves as its Chair, and Secretary of the US Department of Energy Chris Wright serves as Vice Chair. The Council is tasked with identifying reforms for permitting, production, generation, distribution, regulation, and transportation, to support increased development of domestic resources—including critical minerals.

The Council will serve as a coordinating function between the federal government, domestic energy partners, and private sector stakeholders to take a holistic approach in removing roadblocks to expanding energy production in the US. The work of the Council will culminate in delivering a National Energy Dominance Strategy to the President.

This alert focuses on the long-range goals for achieving energy dominance through eliminating unnecessary regulation, strengthening energy innovation, and crowding in private sector investments. By May 25, 2025—100 days from the EO's issuance—the Council will provide the President a plan detailing the "urgency of reliable energy; the improvements in technology achieved through reliable energy sources; the national security concerns with removing reliable and affordable energy sources; the jobs supported by the energy sector; and the regulatory constraints driving up the cost of reliable energy to consumers."

Alongside the Secretary of Interior and Secretary of Energy, the Council will consist of the below members.

1. Secretary of State
2. Secretary of the Treasury
3. Secretary of Defense
4. Attorney General
5. Secretary of Agriculture
6. Secretary of Commerce
7. Secretary of Transportation
8. Administrator of the EPA

10. United States Trade Re
11. Deputy Chief of Staff fo
12. Assistant to the Preside
13. Assistant to the Preside
14. Assistant to the Preside
15. Assistant to the Preside
16. Chairman of Council on
17. Chairman of the Counci

9. Director of OMB

18. Director of the Office of

What Does This Mean for Energy Companies?

The creation of this Council emphasizes the Administration's desire to focus on increased domestic production. In addition to advocating the traditional federal agencies, this Council provides energy companies another avenue to try to advance their priorities to align with the goals of this EO.

The EO aims to benefit private sector stakeholders by ensuring policy consistency alongside advancing private sector investments and innovation. While the tasks of the Council are dispatched in broad, general strokes (e.g., “increasing energy production”), the EO requests action by the Council to: (1) increase electricity capacity; (2) facilitate approvals for energy infrastructure, including natural gas pipelines to or in New England, California, Alaska, and other areas “underserved by American natural gas”; and (3) reopen closed power plants and bring small modular reactors (SMRs) online. Additionally, President Trump has called for “reliable, diversified, and affordable supply of energy to drive our Nation's manufacturing, transportation, agriculture, and defense industries.”

This means energy companies can expect a heightened focus by the Executive Branch on permitting reform for energy infrastructure projects, especially natural gas, as well as expanding nuclear energy generation and increasing private sector investments. The work of the Council will include consultation with “various public and private sector stakeholders” to expand energy production.

Companies in the energy sector should see the Council as an opportunity to engage the Executive Branch in addressing cost barriers to expanding their production and delivery capacities. Whether it be lengthy approval processes or onerous regulatory requirements, the Administrative appears willing to engage in cutting red tape and enhancing private sector investments. Given the large number of members on the Council, there are an abundance of avenues for engagement to spotlight key issues impacting production in the energy sector, and the Administration appears intent to keep the boosting of American energy as a key priority for the Administration.

What is New?

The EO and establishment of the Council came on the same day the Department of Energy approved its first liquid natural gas (LNG) export authorization since the January 26, 2024 pause by the Biden Administration. The new export authorization approves the Commonwealth LNG project in Cameron Parish, Louisiana to have export authorization for non-free trade agreement (FTA) countries. The combination of both actions, alongside the EO also granting Secretary Burgum a standing spot on the National Security Council, reflect that the Administration is serious about centralizing the Executive Branch on enhancing energy supply and lower consumer prices. The creation of the Council differs from past presidential actions in several ways:

- **Centralized Push:** The creation of the Council within the Executive Office of the President centralizes energy policy decisions, streamlining coordination across agencies.
- **Regulatory Reform:** The Council is tasked with reducing regulatory hurdles, which will involve revisiting or repealing existing environmental review standards.
- **Focus on Innovation:** The emphasis on advancing technologies such as SMRs indicates a commitment to modernizing and advancing base load energy.

Executive Order: Ensuring Accountability for All Agencies

On February 18, 2025, President Trump issued an Executive Order (EO) making it “the policy of the executive branch to ensure Presidential supervision and control of the entire executive branch,” including “independent regulatory agencies.” As a result in this change in policy, all executive department and agencies are subject to review by the Office of Information and Regulatory Affairs (OIRA) prior to any “proposed and final significant regulatory actions,” and will come into effect on April 19, 2025. The EO directs the Office of Management and Budget (OMB) to review independent agencies' obligations in adherence to the EO. Furthermore, each independent agency will be mandated to designate a White House Liaison responsible for managing the appointment process for executive positions within the agency. This role, which aligns with the practices of other federal agencies, ensures closer oversight and coordination with the Administration.

Overall Impact

This EO establishes a consolidated regulatory framework that limits the autonomy of independent agencies in formulating, finalizing, and executing regulations that could deviate from the administration's priorities. By requiring these agencies to subject their actions to review by the Office of Management and Budget (OMB), the order reduces the chances that independent agencies will issue guidance, rules, or regulations that conflict with the White House's objectives.

What is an Independent Regulatory Agency?

Prior to the EO—which is expected to attract significant legal challenges—independent regulatory agencies, including the Federal Energy Regulatory Commission (FERC), Federal Communications Commission (FCC), Federal Trade Commission (FTC), and Securities and Exchange Commission (SEC), were seen as independent or semi-independent from presidential control/oversight given that Congress set the agencies up that way. These agencies are part of the federal government but, while constitutionally part of the executive branch, are independent of presidential control because the president is limited in their ability to dismiss the agency head or member. Independent regulatory agencies can find themselves in the crosshairs of an administration, notably the Consumer Financial Protection Bureau (CFPB), because they have the ability to take actions that appear to align or conflict with a president's agenda.

Some other independent regulatory agencies, which are over 50 in total, include:

- Commodity Futures Trading Commission (CFTC)
- Mine Enforcement Safety and Health Review Commission (MSHRC)
- Nuclear Regulatory Commission (NRC)
- Occupational Safety and Health Review Commission (OSHRC)

What Does This Mean for the Energy Sector?

The most apparent impact of the EO on energy companies is the rollback of independence at FERC. The impact is unclear as the Department of Energy Organization Act created the agency and bars the Department of Energy from directing FERC's actions. Under the EO, FERC would now be required to submit any new regulations to the White House while “regularly consult[ing] with and coordinat[ing] policies and priorities.” Since the Clinton Administration, FERC, and other independent regulatory agencies, have been exempted from the White House's power to review regulations. A potential impact on FERC could include the firing of the Chairman or four Commissioners by the Trump Administration should a policy disagreement take place. It is uncertain whether the EO will impact the FERC Queue, the list of interconnection projects awaiting FERC approval.

Conclusion

Taken together, these two EOs signify a significant shift in the energy approach of the Trump Administration as compared to the Biden Administration. Energy companies will need to pay close attention to how these EOs and other policy and process changes will impact their businesses and the markets.
