

President Trump Declares National Energy Emergency; Seeks to Boost Domestic Fossil Fuel Production

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On January 20, 2025, President Trump issued Executive Order (“EO”) 14156 declaring a national energy emergency under the National Emergencies Act (50 U.S.C. § 1601 et seq.). Citing inadequate domestic energy production as a national security and economic threat, the EO directs federal agencies to invoke emergency powers to expedite regulatory approvals and accelerate energy infrastructure development and production. This reflects a significant shift in federal energy policy, elevating the role of domestic fossil fuel development in achieving U.S. energy independence.

KEY DIRECTIVES:

- Emergency Measures
 - The EO instructs agencies to identify and utilize all lawful emergency authorities to fast-track energy projects, including on federal lands.
 - The EO opens the door for use of the Defense Production Act (50 U.S.C. § 4501 et seq.) and federal eminent domain by authorizing agencies to recommend the use of such powers if deemed necessary.
- Fuel Waivers
 - The EO directs the Environmental Protection Agency to consider the use of emergency fuel waivers under the Clean Air Act for year-round E15 gas sales to address potential shortages in the supply of gasoline across the country.
- Expedited Regulatory Approvals and Infrastructure Acceleration
 - The EO mandates that agencies streamline approval processes for energy infrastructure projects, prioritizing the West Coast, the Northeast, and Alaska.
 - To minimize delays, agencies must maximize the use of existing emergency procedures, such as those under the Clean Water Act (33 U.S.C. § 1344), the Rivers and Harbors Act (33 U.S.C. § 403), and the Marine Protection Research and Sanctuaries Act (33 U.S.C. § 1413).
- Military Energy Security

- The EO directs the Department of Defense to assess vulnerabilities in energy supply, refining, and transport.
- The EO additionally authorizes the Secretary of the Army to invoke emergency military construction authority normally reserved for wartime to undertake infrastructure projects necessary to address identified weaknesses.

INDUSTRY IMPACTS:

- Oil and Gas
 - The EO is intended to facilitate increased drilling, refining, and pipeline development, reducing regulatory barriers and the time for obtaining environmental permitting.
 - The actual impact of these changes may take time to realize, notwithstanding the “emergency” designation. Nevertheless, companies that pursue or utilize traditional forms of fossil energy can expect an effort to expedite project approvals and, potentially, reduced costs over time.
- Wind and Solar
 - The President’s order excludes certain energy sources such as wind and solar from its definition of “energy,” instead focusing on fossil fuels and critical minerals. This marks a decisive shift from the Biden administration’s focus on wind and solar energy production.

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