

White House moves to encourage fossil fuel and critical mineral production

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MAY 16, 2025

Key points

- Primarily through the issuance of executive orders, the Trump administration has taken a comprehensive approach across departments to promote the production and use of fossil fuels and critical minerals, and withdraw support for certain conventional renewables (particularly wind power).
- The executive orders to date have sought to expedite permits for oil, gas and coal projects, and develop domestic sources of minerals deemed to be essential to the economy and national defense.
- Disbursements of funds for energy transition and responses to climate change initiated under the Biden administration have been paused.

National emergency declaration

With “Declaring a National Energy Emergency” (EO 14156, <https://bit.ly/4mhSuif>), President Donald Trump declared a national energy emergency under the National Emergencies Act and directed department and agency heads to use emergency powers “to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands.” The goal is to provide investment and contracting opportunities for domestic energy and critical minerals.

The EO defines “energy” as:

- Crude oil
- Natural gas
- Lease condensates
- Natural gas liquids
- Refined petroleum products
- Uranium
- Coal
- Biofuels

- Geothermal heat
- Hydro
- Critical minerals

Battery storage, solar and wind energy are excluded from the definition.

The administration has directed, pursuant to EO 14156, that all departments and agencies accelerate the issuance of permits for energy, energy transportation and transmission, and mining projects.

The National Emergencies Act requires review by Congress of the emergency declaration every six months while it is in effect.

Pausing or unwinding Biden-era programs

With “Unleashing American Energy” (EO 14154, <https://bit.ly/4mcjKyV>), Trump ordered a pause on the disbursement of funds allocated under the Biden-era Infrastructure Investment and Jobs Act (<https://bit.ly/4dofOai>) and Inflation Reduction Act (<https://bit.ly/4dj8PiO>). The disbursement pause targets climate change and energy transition programs. (See “Trump Administration Rolls Back Climate Initiatives and Orders EPA To Set Sunset Dates for Regulations,” <https://bit.ly/44WCnkf>).

Deregulation

The administration has directed, pursuant to EO 14156, that all departments and agencies accelerate the issuance of permits for energy, energy transportation and transmission, and mining projects. Under EO 14154, Biden-era energy-related EOs were rescinded, and the Council on Environmental Quality was ordered to rescind its regulations under the National

Environmental Policy Act and propose new, less burdensome regulations. EO 14154 also directs that the social cost of carbon be eliminated as a basis for any federal permitting decisions and regulations.

“Protecting American Energy From State Overreach” (EO 14260, <https://bit.ly/3SBBTIE>) instructs the attorney general to identify and challenge all state laws that restrict energy and mining. Another EO, “Zero-Based Regulatory Budgeting To Unleash American Energy” (EO 14270, <https://bit.ly/4iZZ9uD>), gives departments and agencies that regulate energy and mining until September 30, 2025, to take all lawful steps to propose that regulations under key statutes referenced in the EO expire one year from such date, subject to exceptions. Going forward, new regulations should expire not more than five years from the date of issuance thereof.

Promotion of critical minerals

The administration has launched efforts to expand domestic production of critical minerals. Under “Immediate Measures To Increase American Mineral Production” (EO 14241, <https://bit.ly/3S0rGp0>), uranium, copper, potash, gold and any other element, compound or material determined to be critical to the U.S. economy and national defense by the newly created National Energy Dominance Council (NEDC) will be added to the approximately 50 other minerals already so designated.

A later order, “Reinvigorating America’s Beautiful Clean Coal Industry” (EO 14261, <https://bit.ly/4j767yf>), included coal in the list of minerals to be supported by EO 14241.

EO 14241 also directs the Department of the Interior (DOI) to prioritize mineral production and mining-related purposes as the primary land uses on federal lands known to hold mineral deposits and reserves. It orders federal agencies to accelerate the issuance of permits for critical minerals projects.

The order sets out federal agency milestones for promoting domestic critical minerals to be achieved by early May 2025, including:

- Identification of mineral projects for which approvals and permits can be immediately issued.
- Publication by the DOI of a list of all federal lands known to hold mineral deposits.
- Identification by the Departments of Defense (DOD), Energy (DOE) and DOI of which of those lands may be suitable for development of private commercial mineral production.

In addition, the U.S. International Development Finance Corporation and DOD were directed to develop a plan to establish a mineral production fund. And the Export-Import Bank is to release program guidance for mineral production financing tools under the Supply Chain Resiliency and Make More in America initiatives.

Most recently, the administration issued “Unleashing America’s Offshore Critical Minerals and Resources,” (<https://bit.ly/3YMmVDg>) an executive order requiring these same agencies to expedite licensing and permitting, and take other actions to promote seabed mineral exploration and commercial recovery.

Promotion of coal

The administration has moved to reverse declines in domestic coal mining and use for power generation. EO 14261 directs the Department of Agriculture (DOA), DOE and DOI to identify coal resources on federal lands, and DOA and DOI must prioritize coal leasing activities. DOI is also to process federal coal lease royalty rate reduction applications.

Agencies that are empowered to provide financial assistance or to conclude offtake agreements are instructed to rescind any policies or regulations that discourage investment in coal production and coal-fired electricity generation. DOE announced that the Section 1706 Energy Infrastructure Reinvestment category will be available to finance coal projects.

The EO also promotes export opportunities for coal and coal technologies, assessment of the use of coal resources to power artificial intelligence (AI) data centers, and acceleration of the deployment and commercialization of coal technologies. Under the related “Regulatory Relief for Certain Stationary Sources To Promote American Energy” (<https://bit.ly/4jVXhEL>) proclamation, certain coal-fired power plants are able to comply with a less stringent version of the Environmental Protection Agency’s Mercury and Air Toxics Standards rule for two years.

Creation of the NEDC

Under “Establishing the National Energy Dominance Council” (EO 14213, <https://bit.ly/3ZkCfai>), Trump formed the NEDC with White House staff and relevant department and agency heads as members, and the secretary of the interior as chair. The NEDC will make energy policy recommendations and coordinate execution of energy EOs.

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This article was published on Westlaw Today on May 16, 2025.

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