

[DRAFT and Speculative] The Energy Independence Executive Order establishes a policy directive to reduce U.S. dependence on other countries for energy. The Order directs the Environmental Protection Agency (EPA) to take the following actions consistent with applicable law and policy:

- Rewrite the Obama Administration's so-called Clean Power Plan that set emission limits for carbon dioxide from existing power plants. Independent analysis by NERA found that the rule would cost up to \$39 billion a year and cause double digit electricity price increases in 41 states for meaningless environmental impacts. In February 2016, the United States Supreme Court issued an unprecedented stay against the rule to prevent the entities challenging the rule, which included 27 states, 37 rural electric cooperatives and 3 labor unions representing 878,000 union members, from suffering "irreparable harm." Review of the Clean Power Plan is underway at the United States Court of Appeals for the District of Columbia.
- Rewrite the new source performance standard on coal-fired power plants that would have required the use of emissions control technology that is not yet commercially viable and resulted in a de facto ban on new coal plant construction in the United States. Twenty-four states are challenging the Rule in court with oral arguments scheduled for April 17, 2017.
- Review and recommend an appropriate path forward for the proposed Federal Implementation Plan (FIP) the EPA presented as a guide to states for compliance with the Clean Power Plan.

With regard to ongoing litigation, the Order directs the Attorney General to inform courts that are judicially reviewing the Clean Power Plan Rule, the New Plant Rule and any associated litigation about the administrative review and to ask the courts to hold in abeyance or remand litigation regarding the listed rules while these administrative proceedings are underway.

The Order requests an interagency working group to reconsider the Social Cost of Carbon and requests the Council on Environmental Quality (CEQ) rescind the National Environmental Policy Act (NEPA) guidance on greenhouse gases that required all agencies to consider the impacts of climate change in their environmental permitting process for covered actions.

The Order also directs the Bureau of Land Management (BLM) to lift a moratorium on federal coal leasing, rescind the hydraulic fracturing rule that attempted to limit the practice on federal and tribal lands, and review the new source standard for methane from new oil and gas operations.

The Order also repeals a number of Executive Orders issued by the previous Administration as a part of a broader climate action agenda, [potentially] including:

- EO 13693 entitled, "Planning for Federal Sustainability in the Next Decade" (2015)
- EO 13690 entitled, "Establishing a Federal Flood Risk Management Standard" (2015)
- EO 13677 entitled, "Climate-Resilient International Development" (2014)
- EO 13653 entitled, "Preparing the United States for the Impacts of Climate Change" (2013)

Finally, the Order directs the EPA [and other agencies] to conduct a review of existing agency policies and practices that result in impediments to domestic energy production and the expansion of energy production facilities. Involved agencies are further directed to report back their findings.