



Center for Law, Energy,
& the Environment

A Guide to Major Climate and Environmental Excerpts in the Project 2025 Report

INTRODUCTION

Project 2025, Mandate for Leadership: The Conservative Promise (Heritage Foundation, 2023) is not the platform of any current candidate, but it does present a compendium of prominent conservative proposals on topics of central importance to U.S. energy and environmental policy, reflecting proposed actions for the next president. Project 2025 has received a good deal of media attention, but few have read the 900+ page document in full. Nor have they contemplated its implications for climate change and environmental impacts, should major portions of it be enacted. Below are excerpts directly from the Proposal that relate to government response to climate change and environmental impacts. We have included some comments for those interested, but the memo itself consists of direct excerpts from Project 2025.

The excerpts relevant to climate change and environmental impacts cover 41 pages.¹ For those seeking a further short-cut, we set out major themes and corresponding page numbers in the Report itself and in this document.

MAJOR THEMES IN THE PROJECT 2025 REPORT

[Numbers in brackets refer to this memo.]

DISMANTLE THE ADMINISTRATIVE STATE (especially EPA).

- Reform regulations to reduce regulatory burdens.
 - OMB, pp. 49-50 [4].
 - Department of Agriculture, pp. 304-05 [10-11].
 - DOE energy efficiency standards for appliances, pp. 378-79 [15].

¹ Huge Thank You(!) to Martin Mattes, CLEE Advisory Board Member Emeritus, who reviewed the 887 pages and compiled the excerpts.

- FERC regulation of gas pipelines and LNG, pp. 406-08 [22].
- EPA air quality regulation, pp. 423-27 [26-29].
- EPA regulation of water quality, pp. 428-30 [29-30].
- EPA regulation of chemicals and pesticides, pp. 433-35 [31-32].
- Department of Interior, pp. 524, 531-34 [38-39].
- DOT fuel economy standards, pp. 627-28 [41-42].
- Increase roles of policy appointees relative to career staff.
 - OMB, p. 45 [4].
 - Federal Permitting Improvement Steering Council, pp. 60-61 [6].
 - Central Personnel Agencies, pp. 79-83 [7-9].
 - EPA, p. 421, 423, 436-37 [25, 26, 33].
- Decentralize, privatize and make bureaucracy politically responsive.
 - Central Personnel Agencies, pp. 79-83 [6-8].
- Reorient federalism to restore power to states.
 - OMB, p. 49 [4].
 - EPA, pp. 417, 420 [23, 24].
 - But see, narrowing or killing “California Waiver,” pp. 426, 627-29 [28, 41-42].
 - Department of Interior, re Alaska, pp. 531-32 [38-39].
- Act quickly “from Day One.”
 - OMB, p. 50 [4].
 - EPA, pp. 422-23 [25-26]
- Creating a conservative EPA, pp. 417-45 [23-36].
 - Reject attempt to make it an all-powerful energy/land-use regulator, p. 417 [23].
 - Circumscribe EPA structure and mission, p. 420 [24].
 - Reform the Office of Air and Radiation, pp. 423-25 [26-28].
 - Reform mobile source regulation, pp. 426-27 [28-29].
 - Reform water and pollution regulation, pp. 428-35 [29-30].
 - Limit the scope and scale of EPA’s scientific work, pp. 435-39 [32-35].

DE-EMPHASIZE EFFORTS TO ADDRESS CLIMATE CHANGE.

- Reorient research programs away from climate change concerns.
 - Office of Science & Technology Policy, pp. 59-60 [5].
- Appoint a senior advisor to coordinate energy/environmental policies.
 - Council on Environmental Quality, p. 61 [6].
- Separate risk assessment from risk management.
 - Office of Science & Technology Policy, pp. 59-60 [5].
- Eliminate Interagency Working Group on Social Cost of Carbon, p. 61 [6].

- Stamp out “climate extremism” in U.S. foreign aid programs.
 - Agency for International Development, pp. 254-58 [8-9].
 - Bureau for Democracy, Development & Innovation, pp. 272-73 [9-10].
- Emphasize original missions of Federal agencies over climate concerns.
 - USDA should promote food productivity and affordability, pp. 290-93 [10].
 - DOE should focus on energy security and affordability, pp. 364-68, 370 [13].
 - Re LNG exports, p. 369, 377 [13, 14].
 - Re Federal Energy Management Program, p. 369 [13].
 - Re FERC economic regulation, p. 369 [13].
 - Re Office of Energy Efficiency & Renewable Energy, pp. 378-79 [14-15].
 - Re Clean Energy Corps, p. 386 [17].
 - DOT should retake control over fuel economy standards, pp. 626-29 [41-42].
- Moderate EPA regulation of GHGs and HFCs, pp. 425-26 [28].
- The Department of Commerce should dismantle NOAA, pp. 664, 674-77 [43].

FREE PRIVATE ACTIVITIES FROM REGULATORY CONSTRAINTS.

- Streamline application of NEPA for environmental impact review.
 - Council on Environmental Quality, p. 60 [5-6].
- Limit judicial review and remedies in NEPA cases.
 - Council on Environmental Quality, p. 60 [5-6].
- Give infrastructure project proponents more control over regulatory clock.
 - Federal Permitting Improvement Steering Council, pp. 60-61 [6].
- Work with Congress to streamline project permitting.
 - Council on Environmental Quality, p. 61 [6].
- Eliminate Conservation Reserve Program restrictions on the use of farmland.
 - USDA, p. 304 [10].
- Devolve enforcement of environmental safeguards to state and local authorities.
 - USDA, pp. 304-05 [10-11].
 - EPA, p. 417 [23].
- Reform Forest Service wildfire management to promote timber harvesting.
 - USDA, p. 308 [11].
- Increase private-sector responsibility for activities now run by the government.
 - Disposal of nuclear waste, DOE, pp. 371-732 [14]
 - Transit funding beyond municipal systems, DOT, p. 634 [43].

PROMOTE AMERICAN ENERGY AND SCIENCE DOMINANCE (and fossil fuels).

- Stating the theme.
 - Department of Energy, pp. 363-64 [11-12].
- DOE should focus on energy security and affordability, pp. 364-68, 370 [13].
 - Re LNG exports, p. 369, 377 [13, 14].
 - Re Federal Energy Management Program, p. 369 [13].
 - Re FERC economic regulation, pp. 369, 400-08 [13, 19-22].
 - Re Office of Fossil Energy, p. 376 [14].
 - Re Grid Deployment Office, p. 380-81 [15-16].
 - Re Loan Program Office, p. 384 [17].
 - Re Office of International Affairs, p. 388 [18].
 - Re Arctic Energy Office, p. 390 [18-19].
- The Department of Interior should manage resources for public benefit, pp. 519-36].
 - Develop oil, gas and coal resources, pp. 519-20 [36].
 - Maximize offshore and onshore oil and gas leasing, pp. 522-23 [37].
 - Take immediate action to facilitate projects in Alaska, pp. 529-30 [38].
- Federal government should not subsidize or favor preferred resources.
 - Re DOE's applied energy programs, p. 377 [14].
 - Re Office of Energy Efficiency & Renewable Energy, p. 379 [15].
 - Re Grid Deployment Office, p. 380-81 [15-16].
 - Re Office of Clean Energy Demonstration, pp. 381-82 [16-17].
 - Re Loan Program Office, p. 383 [17].
 - Re Energy Information Administration, pp. 387-88 [17-18].
- Support safe and efficient oversight of nuclear waste and new nuclear projects.
 - Re cleanup and disposition of nuclear waste, pp. 371-72, 394-97 [14, 19].
 - Re NRC review of license renewal and new projects, pp. 408-09 [22].
- DOT should refocus FHWA on the highway system, p. 629 [41-42].

EXCERPTS RELEVANT TO CLIMATE CHANGE AND ENVIRONMENTAL IMPACTS

(References to "Sections" and "Chapters" are to those segments of the Report. All footnotes are omitted.)

p. xiv Introductory Note: This document "puts in one place a consensus view of how major federal agencies must be governed."

p. 19 SECTION 1: TAKING THE REINS OF GOVERNMENT

p. 43 Chapter 2: EXECUTIVE OFFICE OF THE PRESIDENT

p. 44 Office of Management and Budget (OMB)

p. 45 Return responsibility for signing apportionments² to Program Associate Directors (PADs), who are policy officials appointed by the President, rather than career officials.

Commented [1]: Apportionments are intended to ensure appropriate expenditures and budgets based on congressionally authorized budgets. Turning this over to political appointees suggests that they would use expenditure authorizations or limits to further promote policy outcomes.

p. 49 The Office of Information and Regulatory Affairs (OIRA) within OMB “plays an enormous and vital role in reining in the regulatory state and ensuring that regulations achieve important benefits while imposing minimal burdens on Americans.” Executive Order (EO) 12866 and OMB Circular A-4 re cost-benefit analysis should be maintained and Trump era EOs 13771, 13777, 13891, 13892, 13894, 13924 section 6, 13979 and 13980 should be revived. EO 13132 on federalism “should be strengthened so that state regulatory and fiscal operations are not commandeered by the federal government through so-called cooperative federalism programs.”

Commented [2]: These are a series of Trump EOs, revoked by Biden, that limit the nature and scope of agency regulations. 13771, for example, called for the repeal of 2 regulations for any new reg; 13891 limited use of agency guidance; and 13979 allowed only appointees (as opposed to career civil servants) from authorizing regulations.

p. 50 “The next President should work with Congress to pass significant regulatory policy and process reforms, which could go a long way toward reining in the administrative state. Excellent examples of such legislation include the Regulatory Accountability Act, SMART Act, GOOD Act, Early Participation in Regulations Act, Unfunded Mandates Accountability and Transparency Act, and REINS Act.”

p. 50 “[T]he next President should work with Congress to maximize the utility of the Congressional Review Act (CRA), which allows Congress to undo midnight regulatory actions (including those disguised as “guidance”) on an accelerated timeline [and] should enact the Midnight Rules Relief Act, which would help to ensure that multiple regulatory actions could be packaged and voted on at the same time. Immediate and robust use of the CRA would allow the President to focus his rulemaking resources on major new regulatory reforms rather than devoting months or years to undoing the final rulemakings of the Biden Administration.”

p. 58 **Office of Science and Technology Policy (OSTP)**

pp. 59-60 “The President should also issue an executive order to reshape the U.S. Global Change Research Program (USGCRP) and related climate change research programs. The USGCRP produces strategic plans and research (for example, the National Climate Assessment) that reduce the scope of legally proper options in presidential decision-making and in agency rulemakings and adjudications. Also, since much environmental policymaking must run the gauntlet of judicial review, USGCRP actions can frustrate

²Note: A distribution made by the Office of Management and Budget (OMB) of amounts available for obligation in an appropriation or fund accounts of the Executive Branch. The distribution makes amounts available on the basis of specified time periods, programs, activities, projects, objects, or any combinations of these. The apportionment system is intended to achieve an effective and orderly use of funds, and the apportioned amount limits the obligations that may be incurred. An apportionment may be further subdivided by an agency into allocations, sub-allocations, allotments, and suballotments.

successful litigation defense in ways that the career bureaucracy should not be permitted to control. The process for producing assessments should include diverse viewpoints. The OSTP and OMB should jointly assess the independence of the contractors used to conduct much of this outsourced government research that serves as the basis for policymaking. The next President should critically analyze and, if required, refuse to accept any USGCRP assessment prepared under the Biden Administration.

Commented [3]: In other words, climate deniers should be given credence despite massive scientific evidence to the contrary

“The President should also restore related EOP [Executive Office of the President] research components to their purely informational and advisory roles. Consistent with the Global Change Research Act of 1990, USGCRP-related EOP components should be confined to a more limited advisory role. These components should include but not necessarily be limited to the OSTP; the NSTC’s Committee on Environment; the USGCRP’s Interagency Groups (for example, the Carbon Cycle Interagency Working Group); and the Federal Coordinating Council for Science, Engineering, and Technology. As a general matter, the new Administration should separate the scientific risk assessment function from the risk management function, which is the exclusive domain of elected policymakers and the public.

Commented [4]: The US GCRP is intended to be based on the best science, not a political agenda

“Finally, the next Administration will face a significant challenge in unwinding policies and procedures that are used to advance radical gender, racial, and equity initiatives under the banner of science. Similarly, the Biden Administration’s climate fanaticism will need a whole-of-government unwinding. As with other federal departments and agencies, the Biden Administration’s leveraging of the federal government’s resources to further the woke agenda should be reversed and scrubbed from all policy manuals, guidance documents, and agendas, and scientific excellence and innovation should be restored as the OSTP’s top priority.”

Commented [5]: The idea that “risk management” is exclusively a policy matter makes no sense. Adaptation and resilience and the ways in which we need to manage risk from growing climate impacts involve a great deal of science and expertise in addition to policy.

Commented [6]: The use of this terminology pretty much sums it up: Project 2025 reflects climate denial and a belief that continuing use of fossil fuels is perfectly fine, despite the overwhelming scientific evidence to the contrary.

p. 60 **Council on Environmental Quality (CEQ)**

Commented [7]: This is similar to Florida’s directive to remove reference to climate change in government publications

p. 60 “The President should instruct the CEQ to rewrite its regulations implementing NEPA along the lines of the historic 2020 effort and restoring its key provisions such as banning the use of cumulative impact analysis. This effort should incorporate new learning and more aggressive reform options that were not included in the 2020 reform package with the overall goal of streamlining the process to build on the Supreme Court ruling that “CEQ’s interpretation of NEPA is entitled to substantial deference.” [Andrus v. Sierra Club, 442 U.S. 347, 358 (1979).] It should frame the new regulations to limit the scope for judicial review of agency NEPA analysis and judicial remedies, as well as to vindicate the strong public interest in effective and timely agency action.”

Commented [8]: Cumulative impact analysis in environmental impact statements under NEPA is an essential element of environmental review. Without it, every project would be considered only in isolation. This is particularly true for climate change.

Commented [9]: Ironically, agency deference has been undercut by the US Supreme Court decision in Loper Bright.

pp. 60-61 “The Federal Permitting Improvement Steering Council (FPISC), of which the CEQ is a part, has been empowered by Congress through significant new funding and amendments to FAST-41. The President should build on this foundation to further empower the FPISC by making its Executive Director an EOP appointee with delegated presidential directive authority over executive branch permitting agencies. For instance, the implementation of Executive Order 13807’s One Federal Decision revealed many ways that the systems established by EO 13807 can be improved. The new President should seek to issue a new executive order to create a unified process for major infrastructure projects that includes giving project proponents more control of any regulatory clocks.”

p. 61 “The President should issue an executive order establishing a Senior Advisor to coordinate the policy development and implementation of relevant energy and environment policy by officials across the EOP (for example, the policy staff of the NSC, NEC, DPC, CEQ, and OSTP) and abolishing the existing Office of Domestic Climate Policy. The Senior Advisor would report directly to the Chief of Staff. The role would be similar to the role that Brian Deese and John Podesta had in the Obama White House. This energy/environment coordinator would help to lead the fight for sound energy and environment policies both domestically and internationally.

“The President should eliminate the Interagency Working Group on the Social Cost of Carbon (SCC), which is cochaired by the OSTP, OMB, and CEA, and by executive order should end the use of SCC analysis.

“Finally, the President should work with Congress to establish a sweeping modernization of the entire permitting system across all departments and agencies that is aimed at reducing litigation risk and giving agencies the authority to establish programmatic, general, and provisional permits.”

p. 69 Chapter 3: **CENTRAL PERSONNEL AGENCIES: MANAGING THE BUREAUCRACY**

pp. 79-80 “Creating a Responsible Career Management Service. The people elect a President who is charged by Article 2, Section 3 of the Constitution with seeing that the laws are “faithfully executed” with his political appointees democratically linked to that legitimizing responsibility. An autonomous bureaucracy has neither independent constitutional status nor separate moral legitimacy. Therefore, career civil servants by themselves should not lead major policy changes and reforms.

“The creation of the Senior Executive Service [SES] was the top career change introduced by the 1978 Carter–Campbell Civil Service Reform Act. Its aim was to professionalize the career service and make it more responsible to the democratically elected commander in

Commented [10]: This could be valuable in an administration focused on renewable energy

Commented [11]: The social cost of carbon is an important tool in understanding and integrating the cost of climate change to the economy and in risk analysis. Failure to consider it reflects a concerted effort to turn a blind eye.

chief and his political appointees while respecting the rights due to career employees, very much including those in the top positions. The new SES would allow management to be more flexible in filling and reassigning executive positions and locations beyond narrow specialties for more efficient mission accomplishment and would provide pay and large bonuses to motivate career performance.

“The desire to infiltrate political appointees improperly into the high career civil service has been widespread in every Administration, whether Democrat or Republican. Democratic Administrations, however, are typically more successful because they require the cooperation of careerists, who generally lean heavily to the Left. Such burrowing-in requires career job descriptions for new positions that closely mirror the functions of a political appointee; a special hiring authority that allows the bypassing of veterans’ preference as well as other preference categories; and the ability to frustrate career candidates from taking the desired position.

“President Reagan’s OPM began by limiting such SES burrowing-in, arguing that the proper course was to create and fill political positions. This simultaneously promotes the CSRA principle of political leadership of the bureaucracy and respects the professional autonomy of the career service. . . . Actions such as career staff reserving excessive numbers of key policy positions as “career reserved” to deny them to noncareer SES employees frustrate CSRA intent. Another evasion is the general domination by career staff on SES personnel evaluation boards Career training also often underplays the political role in leadership and inculcates career-first policy and value viewpoints.

“Frustrated with these activities by top career executives, the Trump Administration issued Executive Order 1395724 to make career professionals in positions that are not normally subject to change as a result of a presidential transition but who discharge significant duties and exercise significant discretion in formulating and implementing executive branch policy and programs an exception to the competitive hiring rules and examinations for career positions under a new Schedule F. It ordered the Director of OPM and agency heads to set procedures to prepare lists of such confidential, policy-determining, policymaking, or policy-advocating positions and prepare procedures to create exceptions from civil service rules when careerists hold such positions, from which they can relocate back to the regular civil service after such service. The order was subsequently reversed by President Biden at the demand of the civil service associations and unions. It should be reinstated, but SES responsibility should come first.”

p. 83 “The specific deficiencies of the federal bureaucracy—size, levels of organization, inefficiency, expense, and lack of responsiveness to political leadership—are rooted in the

progressive ideology that unelected experts can and should be trusted to promote the general welfare in just about every area of social life. . . .

“Modern progressive politics has simply given the national government more to do than the complex separation-of-powers Constitution allows. That progressive system has broken down in our time, and the only real solution is for the national government to do less: to decentralize and privatize as much as possible and then ensure that the remaining bureaucracy is managed effectively along the lines of the enduring principles set out in detail here.”

p. 69 SECTION 2: THE COMMON DEFENSE

p. 253 Chapter 9: AGENCY FOR INTERNATIONAL DEVELOPMENT [USAID]

p. 254 “The Biden Administration has deformed the agency by treating it as a global platform to pursue overseas a divisive political and cultural agenda that promotes abortion, climate extremism, gender radicalism, and interventions against perceived systemic racism.”

pp. 257-58 “**Climate Change.** Upon taking office, President Biden issued executive orders to “put the climate crisis at the center of U.S. foreign policy and national security” and mitigate “the devastating inequalities that intersect with gender, race, ethnicity, and economic security.” USAID subsequently declared itself “a climate agency” and redirected its private-sector engagement strategy—teaming with America’s corporate sector to wean countries off foreign aid through private investment and trade—to support the Administration’s global policy to “transition from fossil fuels to renewable energy.”

“The Administration has incorporated its radical climate policy into every USAID initiative. It has joined or funded international partnerships dedicated to advancing the aims of the Paris Climate Agreement and has supported the idea of giving trillions of dollars more in aid transfers for “climate reparations.”

“The Biden Administration’s extreme climate policies have worsened global food insecurity and hunger. Its anti-fossil fuel agenda has led to a sharp spike in global energy prices. Inflation has hit the poor the hardest as they expend a higher proportion of income on food purchases. Farmers in poor countries can no longer afford to buy expensive natural gas-based fertilizers that are key to achieving high yields of food production. Under advice from climate radicals, the government of Sri Lanka even banned chemical fertilizers entirely without having any replacements in place. The result has been hunger and violent political instability.

Commented [12]: This is both an issue of philosophy – what is the role of government – and to what extent government jobs should be political appointments as opposed to civil service

Commented [13]: Of course, failure to consider things like climate change, child labor, racism is itself a cultural agenda

“The aid industry claims that climate change causes poverty, which is false. Enduring conflict, government corruption, and bad economic policies are the main drivers of global poverty. USAID’s response to man-made food insecurity is to provide more billions of dollars in aid—a recipe that will keep scores of poor countries underdeveloped and dependent on foreign aid for years to come.

“The impact on Africa is especially acute. South Africa, for example, relies on coal-powered plants to generate 80 percent of its power needs. It would need \$26 billion in foreign aid to make the full transition away from coal. Multiplying this amount by dozens of other countries on the continent, the financial resources needed to transition away from fossil fuels are unachievable. In Latin America, countries that are global leaders in oil and gas production have sharply curtailed their energy production in line with climate activists, upending the hemisphere’s major source of export revenues and condemning it to years of economic and political instability.

“USAID should cease its war on fossil fuels in the developing world and support the responsible management of oil and gas reserves as the quickest way to end wrenching poverty and the need for open-ended foreign aid. The next conservative Administration should rescind all climate policies from its foreign aid programs (specifically USAID’s Climate Strategy 2022–2030); shut down the agency’s offices, programs, and directives designed to advance the Paris Climate Agreement; and narrowly limit funding to traditional climate mitigation efforts. USAID resources are best deployed to strengthen the resilience of countries that are most vulnerable to climatic shifts. The agency should cease collaborating with and funding progressive foundations, corporations, international institutions, and NGOs that advocate on behalf of climate fanaticism.”

Commented [14]: This could be described as the fossil fuel agenda – keep burning fossil fuels, keep warming the planet. If you don’t look at the social cost of carbon and the massive climate impacts and disruptions, then fossil fuels, in the very short term may be less expensive. But the cost of renewables is now competitive and continued investment and the end of fossil fuels is essential to surviving climate change. As impacts grow, denial is getting harder, so this is the new argument – fossil fuels fight poverty.

p. 272 **Bureau for Democracy, Development, and Innovation**

pp. 272-73 “A key outcome of the transformation of USAID undertaken during the Trump Administration, the Bureau for Democracy, Development, and Innovation (DDI) is the home for most of the agency’s non-health, nonhumanitarian funding as well as almost all of its sectoral appropriations directives, including those that reflect the pet projects of individual Members of Congress. The Bureau is the policy and financial nexus at USAID for most of the Biden Administration’s radical priorities in foreign assistance, including gender, climate change, and the promotion of identity-based politics. On the positive side, DDI is also the Bureau in charge of areas that will be crucial to a reorientation of USAID, including trade, economic growth, innovation, partnerships with the private sector, and the agency’s relationship with communities of faith.

“The next conservative Administration should make the rapid staffing of key DDI positions a high priority. Besides the Senate-confirmed Assistant Administrator, the Directors of each of the Centers and Hubs in the Bureau will need political leadership. Almost every one of the agency wide policies that cover DDI’s areas of responsibility will need to be edited or rewritten entirely as soon as possible.”

Commented [15]: Because of its worldwide impact, this is important – a real threat to action on climate change

p. 283 **SECTION 3: THE GENERAL WELFARE** (The introduction to this Section is vitriolic and frightening, but it doesn’t mention environmental protection or climate initiatives.)

p. 289 Chapter 10: **DEPARTMENT OF AGRICULTURE (USDA)**

p. 290 Biden Administration changes to the USDA’s vision statement are described as indicative of “a federal central plan to put climate change and environmental issues ahead of the most important requirements of agriculture—to efficiently produce safe food. The USDA would apparently use its power to change the very nature of the food and agriculture economy into one that is ‘equitable and climate smart.’ As an initial matter, the USDA should not try to control and shape the economy, but should instead remove obstacles that hinder food production. Further, it should not place ancillary issues, such as environmental issues, ahead of agricultural production itself.”

Commented [16]: Again, this is simply climate denial. Science tells us that climate change is an enormous threat to agriculture and agricultural production. The only way not to make climate change front and center to agriculture is to simply deny that climate change is a threat.

p. 293 The report recommends that the next Administration should “[d]enounce efforts to place ancillary issues like climate change ahead of food productivity and affordability when it comes to agriculture [and r]emove the U.S. from any association with U.N. and other efforts to push sustainable-development schemes connected to food production.”

p. 304 “Champion the elimination of the Conservation Reserve Program. Farmers should not be paid in such a sweeping way not to farm their land. If there is a desire to ensure that extremely sensitive land is not farmed, this should be addressed through targeted efforts that are clearly connected to addressing a specific and concrete environmental harm. The USDA should work with Congress to eliminate this overbroad program.”

pp. 304-05 “Reform NRCS [Natural Resources Conservation Service] wetlands and erodible land compliance and appeals. Problematic NRCS overreach could be avoided entirely by removing its authority to prescribe specific practices on a particular farm operation in order to ensure continued eligibility to participate in USDA farm programs, and to require instead that each farm (as a function of eligibility) must have created a general best practices plan. Such a plan could be approved by the local county Soil and Water Conservation District (SWCD). The local SWCD commissioners are elected by their peers

in each respective county and are better suited than the NRCS to provide guidance for farm operations in their respective jurisdictions.

“At a minimum, a new Administration should support legislation to divest more power to the states (and possibly local SWCDs) regarding erodible land and wetlands conservation.”

p. 308 “Reform Forest Service Wildfire Management. . . .

“The Forest Service should focus on proactive management of the forests and grasslands that does not depend heavily on burning. There should be resilient forests and grasslands in the wake of management actions. Wildfires have become a primary vegetation management regime for national forests and grasslands. . . .

“The Forest Service should instead be focusing on addressing the precipitous annual amassing of biomass in the national forests that drive the behavior of wildfires. By thinning trees, removing live fuels and deadwood, and taking other preventive steps, the Forest Service can help to minimize the consequences of wildfires.

“Increasing timber sales could also play an important role in the effort to change the behavior of wildfire because there would be less biomass. . . .

“In 2018, President Donald Trump issued Executive Order 13855 to, among other things, promote active management of forests and reduce wildfire risks. The executive order . . . explained the need to reduce regulatory obstacles to fuel reduction in forests created by the National Environmental Policy Act and the Endangered Species Act.

“The next Administration should . . . [c]hampion executive action, consistent with law, and proactive legislation to reduce wildfires. This would involve embracing Executive Order 13855, building upon it, and working with lawmakers to promote active management of vegetation, reduce regulatory obstacles to reducing fuel buildup, and increase timber sales.”

p. 363 Chapter 12: **DEPARTMENT OF ENERGY AND RELATED COMMISSIONS**

p. 363-64 AMERICAN ENERGY AND SCIENCE DOMINANCE

“The next conservative Administration should prioritize energy and science dominance to ensure that Americans have abundant, affordable, and reliable energy; create good-paying jobs; support domestic manufacturing and technology leadership; and strengthen national security. Achieving these goals will require bold policy action and reforms that involve the

Commented [17]: This portion of the Report is a full-throated effort to support oil and gas and halt renewable energy. It exists in a world where climate change doesn't exist

U.S. Department of Energy (DOE); the Federal Energy Regulatory Commission (FERC); and the Nuclear Regulatory Commission (NRC).”

“American Energy Dominance. Access to affordable, reliable, and abundant energy is vital to America’s economy, national security, and quality of life. Yet ideologically driven government policies have thrust the United States into a new energy crisis just a few short years after America’s energy renaissance, which began in the first decade of the 2000s, transformed the United States from a net energy importer (oil and natural gas) to energy independence and then energy dominance. Americans now face energy scarcity, an electric grid that is less reliable, and artificial shortages of natural gas and oil despite massive reserves within the United States—all of which has led to higher prices that burden both the American people and the economy.

“The new energy crisis is caused not by a lack of resources, but by extreme ‘green’ policies. Under the rubrics of “combating climate change” and “ESG” (environmental, social, and governance), the Biden Administration, Congress, and various states, as well as Wall Street investors, international corporations, and progressive special-interest groups, are changing America’s energy landscape. These ideologically driven policies are also directing huge amounts of money to favored interests and making America dependent on adversaries like China for energy. In the name of combating climate change, policies have been used to create an artificial energy scarcity that will require trillions of dollars in new investment, supported with taxpayer subsidies, to address a “problem” that government and special interests themselves created. The result has been increased energy costs”

p. 364 “In the end, government control of energy is control of people and the economy. This is one reason why the trend toward nationalization of our energy industry through government mandates, bans on the production and use of oil and natural gas, and nationalization of the electric grid is so dangerous. . . . A coordinated cyber and physical attack on natural gas pipelines and the electric grid during an extended cold spell could be catastrophic. Yet the current Administration’s first concern is plowing taxpayer dollars into intermittent wind and solar projects and ending the use of reliable fossil fuels.”

pp. 364-65 “A conservative President must be committed to unleashing all of America’s energy resources and making the energy economy serve the American people, not special interests. This means that the next conservative Administration should:

- Promote American energy security by ensuring access to abundant, reliable, and affordable energy.

Commented [18]: Of course, under Biden there is significantly more domestic oil and gas production than under Trump, so this makes no sense from a fossil fuel perspective. Meanwhile, as the result of government investment and policy, the cost of renewables has plummeted. Again, this is about climate denial.

Commented [19]: This seems clearly contradictory. A distributed renewable system is less subject to catastrophic attack than a centralized fossil system.

- Affirm an “all of the above” energy policy through which the best attributes of every resource can be harnessed for the benefit of the American people.
- Support repeal of massive spending bills like the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA), which established new programs and are providing hundreds of billions of dollars in subsidies to renewable energy developers, their investors, and special interests, and support the rescinding of all funds not already spent by these programs.
- Unleash private-sector energy innovation by ending government interference in energy decisions.
- Stop the war on oil and natural gas.
- Allow individuals, families, and business to use the energy resources they want to use and that will best serve their needs.
- Secure and protect energy infrastructure from cyber and physical attacks.
- Refocus [DOE] on energy security, accelerated remediation, and advanced science.
- Promote U.S. energy resources as a means to assist our allies and diminish our strategic adversaries.
- Refocus FERC on ensuring that customers have affordable and reliable electricity, natural gas, and oil and no longer allow it to favor special interests and progressive causes.
- Ensure that the Nuclear Regulatory Commission facilitates rather than hampers private-sector nuclear energy innovation and deployment.”

Commented [20]: Repeal the IRA and Infrastructure Acts – the most important climate bills ever passed in the US

Commented [21]: Allow oil companies to decide?

Commented [22]: Apparently, oil and gas companies are not special interests

p. 368 Referring to a list of offices within DOE, “Instead of trying to decarbonize the American economy and allocating taxpayer dollars for commercialization of energy technologies, these offices would focus on energy security by identifying threats to energy supplies and infrastructure, developing strategies to address those threats, and funding fundamental science and technology where appropriate.”

p. 369 “ Eliminate political and climate-change interference in DOE approvals of liquefied natural gas (LNG) exports.”

“Focus the Federal Energy Management Program (FEMP) on ensuring that government buildings and operations have reliable and cost effective energy. FEMP should stop using taxpayer dollars to force the purchase of more expensive and less reliable energy resources in the name of combating climate change.”

“Focus FERC on its statutory obligation to ensure access to reliable energy at just, reasonable, and nondiscriminatory rates. It is an economic regulator and should not make itself a climate regulator.”

p. 370 “Focus on energy and science issues, not politicized social programs. The next Administration should stop using energy policy to advance politicized social agendas. Programs that sound innocuous, such as “energy justice,” Justice40, and DEI, can be transformed to promote politicized agendas. DOE should focus on providing all Americans with access to abundant, affordable, reliable, and secure energy”

pp. 371-72 Develop a new approach that increases the level of private-sector responsibility for the disposal of nuclear waste. . . . In addition to permanent storage, low level nuclear waste facilities are needed.”

pp. 376 Office of Fossil Energy and Carbon Management (FECM)”

“In recent years, the Office of Fossil Energy (FE) has been transformed from its statutory role of improving fossil energy production to one that is focused primarily on reducing the carbon dioxide emissions from fossil fuel extraction, transport, and combustion. This change is reflected in the office’s new name . . . and FECM’s mission: ‘to minimize the environmental impacts of fossil fuels while working towards net-zero emissions.’ . . . [M]ost carbon capture technology remains economically unviable, although private-sector innovations are on the horizon. CCUS programs should be left to the private sector to develop. If the office continues any CCUS research, that research should be focused more on innovative utilization. . . . “

p. 377 “The next Administration should work with Congress to eliminate all of DOE’s applied energy programs, including those in FECM (with the possible exception of those that are related to basic science for new energy technology). Taxpayer dollars should not be used to subsidize preferred businesses and energy resources, thereby distorting the market and undermining energy reliability.”

p. 377 “Ensure that LNG export approvals are reviewed and processed in a timely manner. In particular: . . . [m]aintain the categorical exclusion from the National Environmental Policy Act (NEPA) for LNG exports that was established by the Trump Administration or (if it is revoked by the Biden Administration) reinstate it.”

p. 378 Office of Energy Efficiency and Renewable Energy (EERE)

p. 378 The report notes that EERE traces its roots to the Energy Policy and Conservation Act of 1975 and the Energy Policy Act of 2005. Under the Biden Administration, EERE’s mission is “to accelerate the research, development, demonstration, and deployment of technologies and solutions to equitably transition America to netzero greenhouse gas (GHG) emissions economy-wide by no later than 2050” and “ensure [that] the clean energy economy benefits all Americans.” The Report describes EERE as “made up of three “pillars”: energy efficiency, renewable energy, and sustainable transportation.”

p. 378 According to the Report, reforms are needed to:

“End the focus on climate change and green subsidies. Under the Biden Administration, EERE is a conduit for taxpayer dollars to fund progressive policies, including decarbonization of the economy and renewable resources. EERE has focused on reducing carbon dioxide emissions to the exclusion of other statutorily defined requirements such as energy security and cost. For example, EERE’s five programmatic priorities during the Biden Administration are all focused on decarbonization of the electricity sector, the industrial sector, transportation, buildings, and the agricultural sector.

“Eliminate energy efficiency standards for appliances. Pursuant to the Energy Policy and Conservation Act of 1975 as amended, the agency is required to set and periodically tighten energy and/or water efficiency standards for nearly all kinds of commercial and household appliances, including air conditioners, furnaces, water heaters, stoves, clothes washers and dryers, refrigerators, dishwashers, light bulbs, and showerheads. Current law and regulations reduce consumer choice, drive up costs for consumer appliances, and emphasize energy efficiency to the exclusion of other important factors such as cycle time and reparability.”

p. 379 The Report proposes new policies:

“Eliminate EERE. The next Administration should work with Congress to eliminate all of DOE’s applied energy programs, including those in EERE (with the possible exception of those that are related to basic science for new energy technology). Taxpayer dollars should not be used to subsidize preferred businesses and energy resources, thereby distorting the market and undermining energy reliability.

“Reduce EERE funding. If EERE cannot be eliminated, then the Administration should engage with Congress . . . on EERE’s budget. . . . If funding cannot be reduced, then it should be reallocated to more fundamental research and less toward commercialization and deployment. . . .

“Eliminate energy efficiency standards for appliances. The next Administration should work with Congress to modify or repeal the law mandating energy efficiency standards. Before (or in lieu of) repealing the law, there are steps the agency can take to protect against excessively stringent standards. For example, the Trump DOE prioritized the relatively few appliance regulations that were likely to save consumers the most energy”

Commented [23]: Really?

p. 380 **Grid Deployment Office (GDO)**

p. 380 The Report notes that the GDO was established to implement parts of the Infrastructure Investment and Jobs Act (IIJA) – specifically, to administer funds appropriated by Congress to support transmission expansion and low/zero carbon resources, and to develop studies of the electric grid to address congestion, enhance reliability and resilience, and promote “clean” energy.

p. 380 The Report proposes to “end grid planning and focus instead on reliability.” The Report notes that “FERC and NERC have the primary responsibility for addressing reliability, states have the primary authority to site and permit transmission lines, and regional transmission organizations assist in planning regional transmission needs for parts of the country, but Congress granted some grid planning and siting authority to FERC and DOE through the Energy Policy Act of 2005 and IIJA, as well as grid funding through the Inflation Reduction Act. Instead of focusing on grid expansion for the benefit of renewable resources or supporting low/carbon generation, GDO should be incorporated into the reformed Office of Cybersecurity, Energy Security, and Emergency Response, which would work to enhance the grid’s reliability and resilience. To the extent that they remain in effect, the funding programs that GDO oversees and administers should emphasize grid reliability, not renewables expansion.”

pp. 380-81 Considering that “GDO’s current purpose is to promote the integration of low/zero carbon resources onto the grid by supporting subsidies for such resources,” the Report proposes to eliminate GDO and assign to a reformed CESER responsibility to administer grants under the IIJA that “appear to be properly focused on enhancing the reliability and security of the electric grid.” The Report also proposes to “[e]nd DOE/GDO’s role in grid planning for the benefit of renewable developers” and “[d]efund most GDO programs.” Noting that “GDO oversees nearly \$20 billion in new appropriations created by the IIJA, including a grid modernization grant program, the transmission facilitation program, and the civil nuclear credit program,” the Report proposes that Congress “rescind any money not already spent.”

p. 381 **Office of Clean Energy Demonstration (OCED)**

p. 381 Noting that the mission of the OCED, established in December 2021 to implement the IIJA, is “[to] deliver clean energy demonstration projects at scale in partnership with the private sector to accelerate deployment, market adoption, and the equitable transition to a decarbonized energy system,” the Report asserts that “[t]he OCED is distorting energy markets and shifting the risk of new technology deployment from the private sector to taxpayers. The IIJA provided more than \$20 billion in government subsidies to help the private sector deploy and market clean energy and decarbonizing resources. Government

Commented [24]: Does anyone think we shouldn't upgrade the grid?

should not be picking winners and losers and should not be subsidizing the private sector to bring resources to market.”

p. 382 Under the heading, “Eliminate OCED,” the Report proposes that the next Administration work with Congress “to eliminate all DOE energy demonstration programs, including those in OCED. Taxpayer dollars should not be used to subsidize preferred businesses and energy resources, thereby distorting the market and undermining energy reliability.” The Report proposes to “[r]efocus on resources that will support reliability.” To the extent that energy R&D funding authorities cannot be repealed, “funded projects should be consistent with the programmatic goals of the next Administration. For example, the already awarded Advanced Reactor Demonstration Program should help to move SMRs from pilot scale to commercialization and in the process address material, fuel, and regulatory issues that would pose deployment risk to utilities and Wall Street.”

Commented [25]: Of course, government provides incentives and funds for many programs, without which things like personal computers would have likely floundered. And, oil and gas companies receive massive government subsidies.

p. 383 **Loan Program Office (LPO)**

p. 383 The Report describes the LPO’s mission as “to finance next-generation U.S. energy infrastructure,” serve “as a bridge to bankability for breakthrough projects and technologies,” and “de-risk them at early stages of investment so they can be developed at commercial scale and achieve market acceptance,” and notes that the Biden Administration directed the program to subsidize the Administration’s “net zero” energy transition away from conventional fuels and to promote union jobs and domestic supply chains. The Report asserts that “Taxpayers should not be backing risky business ventures or politically preferred commercial enterprises.” The Report proposes that, “[t]o save tax dollars and reduce current risk, the new Administration . . . [s]hould not back any new loans or loan guarantees [and s]hould seek to sunset DOE’s loan authority through Congress and eventually eliminate the Loan Program Office.”

Commented [26]: Government loan guarantees are often essential to new and developing technologies, essential as well to the economy of the future. Without such guarantees, many US-led technologies would not have made it out of the initial stages. Eliminating such guarantee programs places the overall economy at risk.

p. 384 “To the extent that DOE loan programs cannot be repealed, the new Administration should [s]trengthen due diligence and increase transparency in DOE loan programs” and limit new loan or loan guarantee authority to “projects that will promote the reliability and resilience of . . . energy infrastructure and support national security objectives” and that “are not financed with any other local, state, or federal taxpayer-backed loan, loan guarantee, or bond.”

p. 386 **Clean Energy Corps**

p. 386 The Report describes the Clean Energy Corps as “a taxpayer-funded program to create new government jobs for employees who will work together to research, develop, demonstrate, and deploy solutions to climate change,” for which DOE anticipates recruiting “an additional 1,000 employees using a special hiring authority included in the

Bipartisan Infrastructure Law.” The Report contends that “[t]axpayers should not have to fund a cadre of federal employees to promote a partisan political agenda,” and so proposes to revoke funding and eliminate all positions and personnel hired under the program.

p. 387 Energy Information Administration (EIA)

p. 387 “EIA needs to be committed to providing unbiased forecasting and data so that policymakers, industry, and the public can have a clear understanding of our energy resources and energy economy. Strong leadership will be needed to ensure that data and reporting are not misused to promote a politicized ‘energy transition.’”

p. 387 The Report proposes that, in the National Energy Modeling System, which calculates the “levelized cost of electricity,” that is, the “estimated revenue required to build and operate a generator over a specified cost recovery period,” the “cost of backup power for when wind and solar resources are not available should be included when comparing the technologies and reported as a separate component in the modeling documents.”

p. 388 The Report is concerned about maintaining the “objectivity” of the International Energy Outlook, which EIA publishes on a biennial basis. “IEO forecasts are important because the International Energy Agency’s forecasts in its annual World Energy Outlook are becoming unrealistic and politically oriented to push Europe’s climate goals. EIA forecasts should be based on current laws and regulations and should not be used to promote favored policies.”

p. 388 Office of International Affairs (IA)

pp. 388-89 “International energy activities should be consolidated under IA (and the Department of State’s Bureau of Energy Resources should be eliminated) to ensure a proper understanding of domestic energy policy and how it affects foreign policy, as well as the international energy landscape and how it affects U.S. national and economic security.”

p. 389 “Oppose ‘climate reparations.’ During the November 2022 United Nations climate conference in Egypt, the Biden Administration and other “developed” countries agreed to provide “climate reparations” to developing countries for the harm allegedly caused by the developed countries’ use of fossil fuel. A reparations slush fund administered by a non-U.S. organization provides no assurance that U.S. interests will be protected and should not be supported in any form.”

p. 390 Arctic Energy Office

p. 390 “In October 2022, the Biden Administration released its National Strategy for the Arctic Region.⁷⁸ Although recognizing national security threats in the Arctic, it also focuses heavily on climate change, sustainability, and international cooperation. The United States must establish a strategic plan to promote its national security, energy, and economic interests in the Arctic. An analysis and plan to support the responsible development of Alaska’s energy assets should be a priority.”

p. 390 “The next Administration needs to define American strategic and economic interests in the Arctic Circle. . . . In particular, this means identifying U.S. energy interests in the Arctic Circle, identifying foreign government and commercial interests and activity in the region, and ensuring that the United States does not forgo important energy and national security interests in the Arctic. . . . AE’s operations in Alaska should be expanded to encompass broader national energy security interests in the region including rare earths, oil, and natural gas. AE should also be the lead for DOE Antarctic operations as a counter to growing Russian and Chinese interest in Antarctic resources.”

p. 394 **Office of Environmental Management (EM)**

pp. 394-95 EM’s mission is to “complete the safe cleanup of [the] environmental legacy resulting from decades of nuclear weapons development and government-sponsored nuclear energy research.” “EM needs to move to an expeditious program with targets for cleanup of sites. The Hanford site in Washington State is a particular challenge.” The Report proposes to “[a]ccelerate the cleanup. This means that a comprehensive cost projection and schedule reflecting the entire scope of the job should be developed and appropriate reforms should be instituted. To save taxpayers a potential \$500 billion over the long run and reduce current risk, a 10-year program to complete all sites by 2035 (except Hanford with a target date of 2060) should be considered.”

p. 396 **Office of Civilian Radioactive Waste Management (OCRWM)** (Currently Office of Spent Fuel and Waste Disposition)

p. 396 “The Office of Spent Fuel and Waste Disposition . . . is currently responsible for the management of nuclear waste, and interim disposal is taking place on various sites. Providing a plan for the proper disposal of civilian nuclear waste is essential to the promotion of nuclear power in the United States.”

p. 397 DOE should restart the Yucca Mountain licensing process. . . . Fix the policy and cost drivers that are preventing nuclear storage.

p. 400 **FERC: Electric Reliability and Resilience**

p. 400 “There is a growing problem with the electric grid’s reliability because of the increasing growth of subsidized intermittent renewable generation (like wind and solar) and a lack of dispatchable generation (for example, power plants powered by natural gas, nuclear, and coal), especially during hot and cold weather.”

Commented [27]: While the issue is relevant to renewables, the recent outages experienced in Texas in both hot and cold weather were, in significant part, due to failure of the natural gas system.

Among the Report’s proposals relative to electricity pricing are the following that may be of concern:

p. 401 “**Limit the impact of subsidized renewables on price formation.** Subsidized renewable resources are undermining electric reliability in RTOs. The increase in subsidized, intermittent resources is undermining the ability of RTOs’ pricing models to support the reliable dispatchable generation that is needed to serve the grid at all times.”

p. 401 “**Expand resource diversity and reliability.** Resource diversity is needed to support grid reliability. Pressure to use 100 percent renewables or non- carbon emitting resources threatens the electric grid’s reliability. A grid that has access to dispatchable resources such as coal, nuclear, and natural gas for generating power is inherently more reliable and resilient.”

Commented [28]: Actually, with the growth of batteries and other forms of storage, this is no longer the case (although 24/7 dispatchable power remains important).

p. 402 “**Support resource diversity and reliability.** FERC, NERC, and DOE play key roles in balancing consumer, industrial, and national defense interests to ensure an ongoing reliable, plentiful, and accessible national electricity supply. NERC reliability reviews and FERC’s reliability roles should be aware that overreliance on any one power generation fuel source entails concurrent cost and availability risk. FERC should reform market rules that unduly discriminate against dispatchable resources needed for reliability.

p. 402 **FERC: RTOS/ISOS and “Electric Power Markets”**

p. 403 “RTOs are complex regulatory constructs (with rules set by FERC) that obscure government interference and preferences for preferred resources. Furthermore, government preferences and subsidies for resources like wind and solar distort price formation for electricity that is undermining the reliability of the grid.”

Commented [29]: Unlike subsidies for oil and gas?

p. 403 “As subsidized renewables (like wind and solar receiving tax credits) and state renewable portfolio standards (RPS) programs have disrupted market functions, price distortions have driven out reliable, dispatchable resources like coal, natural gas, and nuclear generation in various RTOs. The result: Electric reliability is decreasing in many parts of the country.”

p. 403 “Because RTOs use marginal price auctions where natural gas usually sets the clearing price paid to all generators, the economic benefits of renewables (no fuel, tax credits, etc.) are flowing mainly to renewables investors and not to customers (although

customers do benefit from some decrease in marginal costs). Yet reliability is decreasing, so customers are getting the worst of both worlds, paying more for electricity and having less reliability for the money.”

Commented [30]: The argument that reliability is decreasing due to renewables has no support

p. 404 “Unlike vertically integrated utilities that are accountable to state elected officials and state public utility commissions, RTOs and their participants are accountable only to FERC. Even then, however, accountability is indirect through the tariffs (rules) that the RTOs adopt and FERC approves. In addition, unlike utilities, generators in an RTO have no obligation to serve customers.”

p. 404 “Reexamine the premise of RTOs. RTOs no longer seem to work for the benefit of the American people. Marginal price auctions for energy are not ensuring the reliability of the grid and are not passing the full economic benefits of subsidized renewables on to customers. FERC needs to reexamine the RTOs under its jurisdiction to make sure that they procure reliable and affordable electricity for the benefit of the American people.

“Ensure that RTOs return to market fundamentals so that they serve customers, not special interests and political causes. FERC should require RTOs to ensure that reliable, dispatchable resources are properly valued to provide electricity when needed for the benefit of customers. . . .

“Direct the RTOs to ensure that the economic benefits of renewables (like tax credits and no fuel costs) are passed on to customers.”

p. 405 **FERC: Electric Transmission**

p. 405 “FERC is attempting to facilitate the building of more long-range transmission lines and to socialize more of the costs of transmission buildouts to more customers in order to make it cheaper for renewable developers (primarily) to interconnect to the grid and sell their power. Socializing such costs is a form of subsidy for generators and will cause further price distortions in RTOs and ISOs that will make it less economical for reliable, dispatchable resources like coal, nuclear, and natural gas to stay operational and support reliability.

“Also, under the Infrastructure Investment and Jobs Act, DOE and FERC are granted authority to site and permit high-priority transmission lines as National Interest Electric Transmission Corridors (NIETCs). The Inflation Reduction Act provides funding to DOE to support transmission expansion.¹²⁰ These initiatives will undermine state input and decision-making.”

Commented [31]: And increase reliability. . . .

pp. 405-06 “FERC should either change course on its existing transmission rulemakings (if still in progress) or issue a new rulemaking to: Ensure that transmission planning and

interconnection processes are resource neutral. Prevent socializing costs for customers who do not benefit from the projects or justifying such cost shifts as advancing vague “societal benefits” such as climate change. Stop cost allocation from becoming a subsidy for generators, such as renewables.”

p. 406 “Furthermore, much of the transmission buildout (including its attendant costs) is being driven by renewable developers seeking market share. These projects are causing rates for customers to go up and hurting reliability. FERC needs to ensure that transmission buildouts are planned for the benefit of customers.

p. 406 **FERC: Natural Gas Pipelines**

p. 406 “Under Democrat leadership, FERC has proposed official policies to consider upstream and downstream GHG emissions from the use of the natural gas that would be shipped in the pipeline to be part of FERC’s public-interest determination when deciding whether to approve a pipeline. There is conflicting direction from the D.C. Circuit on the GHG issue, which also could be seen as a “major questions” issue under the U.S. Supreme Court’s *West Virginia v. EPA* decision.”

p. 407 “FERC should: Recommit itself to the NGA’s purpose of providing the American people with access to affordable and reliable natural gas. Limit its NGA decision-making on natural gas pipeline certificates to the question of whether there is a need for the natural gas. Limit its NEPA analysis to the impacts of the actual pipeline itself, not indirect upstream and downstream effects.”

p. 407 **FERC: LNG Export Facilities**

p. 408 “Since Congress through the NGA has already determined that LNG exports to countries with free trade agreements are in the public interest, and because LNG exports help to ensure America’s ability to support our friends and allies around the world while also supporting domestic natural gas production, FERC [s]hould not use environmental issues like climate change as a reason to stop LNG projects[, and s]hould ensure that the natural gas pipelines that are needed deliver more of the product to market, both for domestic use and export, and are reviewed, developed and constructed in a timely manner.”

p. 408 **Nuclear Regulatory Commission (NRC)**

pp. 408-09 Despite reform efforts in recent decades, “the NRC remains a significant cost and regulatory barrier to new nuclear power. Especially frustrating is that these costs to a large extent are due to the agencies being overly prescriptive rather than outcomes-focused and fall on well-known and understood LWR reactor technologies.”

Commented [32]: In other words, outside of FERC's authority to regulate. This would be a very troubling use of the Supreme Court created major question doctrine.

p. 409 Among the Report’s recommendations are that the NRC “[e]xpedit[e] the review and approval of license extensions of existing reactors, which will require the NRC to streamline and focus its NEPA review process[, and s]et clear radiation exposure and protection standards by eliminating ALARA (“as low as reasonably achievable”) as a regulatory principle and setting clear standards according to radiological risk and dose rather than arbitrary objectives.”

p. 417 Chapter 13: ENVIRONMENTAL PROTECTION AGENCY (EPA)

p. 417 “Mission Statement: *Creating a better environmental tomorrow with clean air, safe water, healthy soil, and thriving communities.*

“A conservative [EPA] will take a more supportive role toward local and state efforts, building them up so that they may lead in a meaningful fashion. This will include the sharing of federal resources and agency expertise. Creating environmental standards from the ground up is consistent with the concept of cooperative federalism embedded within many of the agency’s authorizing statutes and will create earnest relationships among local officials and regulated stakeholders. This in turn will promote a culture of compliance.

“A conservative EPA will track success by measured progress as opposed to the current perpetual process and will convey this progress to the public in clear, concise terms. True transparency will be a defining characteristic of a conservative EPA. This will be reflected in all agency work, including the establishment of open source science, to build not only transparency and awareness among the public, but also trust.

“The challenge of creating a conservative EPA will be to balance justified skepticism toward an agency that has long been amenable to being coopted by the Left for political ends against the need to implement the agency’s true function: protecting public health and the environment in cooperation with states. Further, the EPA needs to be realigned away from attempts to make it an all-powerful energy and land use policymaker and returned to its congressionally sanctioned role as environmental regulator.”

p. 418 “[T]he EPA under the Biden Administration has returned to the same top-down, coercive approach that defined the Obama Administration. There has been a reinstatement of unachievable standards designed to aid in the ‘transition’ away from politically disfavored industries and technologies and toward the Biden Administration’s preferred alternatives. This approach is most obvious in the Biden Administration’s assault on the energy sector as the Administration uses its regulatory might to make coal, oil, and natural gas operations very expensive and increasingly inaccessible while forcing the economy to build out and rely on unreliable renewables.

Commented [33]: This section is an effort to severely downsize EPA and end most enforcement activity

Commented [34]: This approach has been tried in various forms in the past. It usually translates as a significant reduction in enforcement, which, in turn, results in an increase in environmental violations and degradation, which leads to a backlash and some increased enforcement.

“This approach has also been applied to pesticides and chemicals as the Biden Administration pushes the ‘greening’ of agriculture and manufacturing among other industrial activities. As a consequence of this approach, we see the return of costly, job-killing regulations that serve to depress the economy and grow the bureaucracy but do little to address, much less resolve, complex environmental problems.”

p. 419 “[A]n EPA led by activism and a disregard for the law has generated uncertainty in the regulated community, vendetta-driven enforcement, weighted analytics, increased costs, and diminished trust in final agency actions. Although the U.S. environmental story is very positive, there has been a return to fear-based rhetoric within the agency, especially as it pertains to the perceived threat of climate change. Mischaracterizing the state of our environment generally and the actual harms reasonably attributable to climate change specifically is a favored tool that the Left uses to scare the American public into accepting their ineffective, liberty-crushing regulations, diminished private property rights, and exorbitant costs. In effect, the Biden EPA has once again presented a false choice to the American people: that they have to choose between a healthy environment and a strong, growing economy.”

Commented [35]: If climate change is only a perceived threat then oil and gas can continue unabated (and fully subsidized)

p. 420 “EPA’s structure and mission should be greatly circumscribed to reflect the principles of cooperative federalism and limited government. This will require significant restructuring and streamlining of the agency to reflect the following:

Commented [36]: This is a very clear statement of different views of climate change and environmental protection. As California has long shown, strong environmental regulations and enforcement as well as action on climate change are part of a strong, growing economy

- State Leadership. EPA should build earnest relationships with state and local officials and assume a more supportive role by sharing resources and expertise, recognizing that the primary role in making choices about the environment belongs to the people who live in it.
- Accountable Progress. Regulatory efforts should focus on addressing tangible environmental problems with practical, cost-beneficial, affordable solutions to clean up the air, water, and soil, and the results should be measured and tracked by simple metrics that are available to the public.
- Streamlined Process. Duplicative, wasteful, or superfluous programs that do not tangibly support the agency’s mission should be eliminated, and a structured management program should be designed to assist state and local governments in protecting public health and the environment.
- Healthy, Thriving Communities. EPA should consider and reduce as much as possible the economic costs of its actions on local communities to help them thrive and prosper.

- Compliance Before Enforcement. EPA should foster cooperative relationships with the regulated community, especially small businesses, that encourage compliance over enforcement.
- Transparent Science and Regulatory Analysis. EPA should make public and take comment on all scientific studies and analyses that support regulatory decision-making.”

p. 421 “The Deputy Chief of Staff for Policy position within the Administrator’s office should be renamed the Deputy Chief of Staff for Regulatory Improvement. This position would oversee a reorganization effort that includes the following actions [among others]:

- Returning the environmental justice function to the AO, eliminating the stand-alone Office of Environmental Justice and External Civil Rights.
- Returning the enforcement and compliance function to the media offices (air, water, land, and emergency management, etc.) and eliminating the stand-alone Office of Enforcement and Compliance Assistance, which has created a mismatch between standard-setting and implementation.
- Using enforcement to ensure compliance, not to achieve extra statutory objectives.
- Relocating the Office of Children’s Health Protection and the Office of Small and Disadvantaged Business Utilization from the AO and reabsorbing those functions within the media offices (air, water, land, and emergency management, etc.).
- Reviewing the grants program to ensure that taxpayer funds go to organizations focused on tangible environmental improvements free from political affiliation.
- Resetting science advisory boards to expand opportunities for a diversity of scientific viewpoints free of potential conflicts of interest.

pp. 422-23 “Day One Executive Order. To initiate the review and reorganization, a Day One executive order should be drafted for the incoming President with explicit language requiring reconsideration of the agency’s structure with reference to fulfilling its mission to create a better environmental tomorrow with clean air, safe water, healthy soil, and thriving communities. The order should set up “pause and review” teams to assess the following:

- Major Rules and Guidance Materials. Identify existing rules to be stayed and repropose and initiate rule development in appropriate media offices.
- Pending Petitions. Grant new petitions for rule reconsideration and stays of rule.
- Grants. Stop all grants to advocacy groups and review which potential federal investments will lead to tangible environmental improvements.

- Legal Settlements. Reassess any “sue and settle” cases and develop a new policy to establish standard review and oversight, including public notification and participation.
- Employee Review. Determine the opportunity to downsize by terminating the newest hires in low-value programs and identify relocation opportunities for Senior Executive Service (SES) positions.
- Budget Review. Develop a tiered-down approach to cut costs, reduce the number of full-time equivalent (FTE) positions, and eliminate duplicative programs. EPA should not conduct any ongoing or planned activity for which there is not clear and current congressional authorization, and it should communicate this shift in the President’s first budget request.
- Risk Management Policy. Revise guidance documents that control regulations such as the social cost of carbon; discount rates; timing of regulatory review (before options are selected); causality of health effects; low-dose risk estimation (linear no-threshold analysis); and employment loss analysis.”

p. 423 **“Personnel** – The majority of the political appointee team must be assembled, vetted, and ready to deploy before Day One. To the extent provided by the Federal Vacancies Reform Act, 15 appointees in consideration for Senate-confirmed positions (excluding the Administrator) should be prepared to serve as a Deputy or Principal Deputy to get into the agency on Day One while their nomination and affiliated confirmation processes proceeds. In addition to a deputy slated for the Assistant Administrator role, each office will need a political chief of staff, senior advisers designated to run suboffices, and energized assistants.”

p. 423 **Office of Air and Radiation**

pp. 423-24 “The following reforms should be implemented across all OAR offices:

- Issue a rule to ensure consistent and transparent consideration of costs.
- When doing cost-benefit analysis, use appropriate discount rates, focus on the benefits of reducing the pollutant targeted by Congress, identify “co-benefits” separately, and acknowledge the uncertainties involved in quantifying benefits.
- Review and revise Reasonably Available Control Technology (RACT) cost guidance to ensure that calculations are accurate and reflect the actual regulatory burden, including costs of air rules implementation and compliance.
- Obey Congress’s direction in CAA § 321 to “conduct continuing evaluations” of the employment and plant-closure effects of air regulations.
- Ensure that all provisions of CAA § 307(d) are observed. Congress placed special constraints on air rules, and that intent should be respected.

- To the extent that the Inflation Reduction Act (IRA) remains in place, ensure to the maximum extent possible that grants and funding are provided to state regulatory entities and not to nonprofits.
- Remove any regulations or requirements that confer on third parties any authorities that have been provided to EPA, such as the oil and gas supplemental, which created a Super-Emitter Response Program that allows third parties to act as EPA enforcers.”

Commented [37]: These authorities are in statute

pp. 424-25 “National Ambient Air Quality Standards (NAAQS)

- EPA adopted by regulation a goal of restoring natural visibility by 2064. The statute does not require this, and EPA should consider whether a longer timeline is less disruptive or more realistic. Regional haze rules should be revised to prevent subsequent “planning periods” from being abused to compel the shutdown of disfavored facilities.
- Under the Good Neighbor Program/Interstate pollutant transport program, review Biden-era regulations to ensure that they do not “overcontrol” upwind states in violation of the statute as construed by the U.S. Supreme Court. Reverse the program’s 2022 expansion beyond power plants.
- Putting guardrails on downwind states is an abuse of the CAA § 126(b)19 petition process. EPA must ensure, in keeping with statutory text, that petitions identify a reasonably discrete “group” of upwind sources alleged to violate the good neighbor provision.
- Ensure that the Clean Air Scientific Advisory Committee (CASAC) considers all of the statutorily charged factors (for example, social and economic effects resulting from NAAQS attainment and maintenance strategies).
- Ensure that the requirements EPA puts on a state that has achieved attainment status from nonattainment status are limited to those that are statutorily required, and remove any regulatory differences between attainment and maintenance that are not explicitly required by law.
- Streamline the process for state and local governments to demonstrate that their federally funded highway projects will not interfere with NAAQS attainment.
- Adopt policies to prevent abuse of EPA’s CAA “error correction” authority. EPA historically has used this to coerce states into adopting its favored policies on pain of imposition of a Federal Implementation Plan (FIP).
- Limit EPA’s reliance on CAA § 30121 general rulemaking authority to ensure that it is not abused to issue regulations for which EPA lacks substantive authority elsewhere in the statute.
- If possible, return the standard-setting role to Congress.

Commented [38]: Leaving haze and air pollution beyond 2064 not only harms public health, but would have a huge economic impact and fail a cost benefit analysis.

Commented [39]: An interesting way to ensure a healthy environment – allow polluting industry to send pollution to downwind states

Commented [40]: California has similar cost benefit evaluation criteria. The health benefits of reducing air pollution have huge cost benefits as well when properly identified and calculated

Commented [41]: Given Congress’ deep scientific expertise

p. 425 “Climate Change

- Remove the Greenhouse Gas Reporting Program (GHGRP) for any source category that is not currently being regulated. The overall reporting program imposes significant burdens on small businesses and companies that are not being regulated. This is either a pointless burden or a sword-of-Damocles threat of future regulation, neither of which is appropriate.
- Establish a system, with an appropriate deadline, to update the 2009 endangerment finding.
- Establish a significant emissions rate (SER) for greenhouse gasses (GHGs).”

Commented [42]: An effort to preclude GHG regulation

pp. 425-26 With respect to regulating Hydrofluorocarbons (HFCs) under the American Innovation and Manufacturing (AIM) Act, the Report proposes to “[r]epeal Biden Administration implementing regulations for the AIM Act that are unnecessarily stringent and costly,” “[r]efrain from granting petitions from opportunistic manufacturers to add new restrictions that further skew the market toward costlier refrigerants and equipment,” and “[c]onduct realistic cost assessments that reflect actual consumer experiences instead of the current unrealistic ones claiming that the program is virtually cost-free.”

Commented [43]: This is both about the ozone hole and GHGs. It’s been very successful, but can be reversed by actions like the one proposed here.

p. 426 “Mobile Source Regulation by the Office of Transportation and Air Quality

- Establish GHG car standards under Department of Transportation (DOT) leadership that properly consider cost, choice, safety, and national security.
- Review the existing “ramp rate” for car standards to ensure that it is actually achievable.
- Include life cycle emissions of electric vehicles and consider all of their environmental impacts.
- Restore the position that California’s waiver applies only to California-specific issues like ground-level ozone, not global climate issues.
- Ensure that other states can adopt California’s standards only for traditional/criteria pollutants, not greenhouse gases.
- Stop the use of the International Civil Aviation Organization (ICAO) to increase standards on airplanes.
- Reconsider the Cleaner Trucks Initiative to balance the goal of driving down emissions without creating significant costs or complex burdens on the industry.”

Commented [44]: But not for non-EVs?

Commented [45]: This is simply wrong. California’s waiver exists because the Clean Air Act was based on the California Clean Air Act, which predated the federal law. The CAA codified California’s authority to issue its own clean air standards, which other states could adopt as well. The waiver is not limited to “California-specific issues,” whatever those might be.

Commented [46]: So much for empowering states. . .

pp. 426-27 The Report proposes air permitting reforms for New Source Review (Pre-Construction Permits) and Title V (Operating Permits) “to ensure that when a facility improves efficiency within its production process, new permitting requirements are not triggered,” to “[r]estore the Trump EPA position on Once-In, Always-In (that major sources

can convert to area sources when affiliated emissions standards are met),” to “[r]evisit permitting and enforcement assumptions that sources will operate 24 hours a day, 365 days a year,” and to address concerns about perceived misapplication of Title V authority.

p. 427 With respect to CAA Section 111, the Report proposes to restore the position that EPA cannot regulate a new pollutant from an already regulated source category without making predicate findings for the new pollutant, to institute automatic withdrawal of any proposed rule that is not finalized within the statutorily prescribed one-year period, and to revise implementing regulations for existing source regulatory authority under CAA § 111(d)²⁴ “to ensure that EPA gives full meaning to Congress’s direction, including source-specific application, and that the state planning program is flexible, federalist, and deferential to the states.”

p. 427 Regarding CAA Section 112 (Hazardous Air Pollutants), the Report asserts that “[u]nregulated point or non-point source (fugitive emissions) of an already regulated hazardous air pollutant do not require a Maximum Available Control Technology (MACT) standard,” would seek to harmonize Section 112 regulations with Section 111 regulations that apply to the same sector/sources, and would seek to “focus cost-benefit analysis on a regulation’s targeted pollutant and separately identify ancillary or co-benefits.”

Commented [47]: Many of the Report’s proposal for the Clean Air Act are to allow pollution to continue or expand without review into an endless future.

p. 427 Addressing radiation, the Report proposes to update EPA’s radiation standards so that they align with those of other agencies as well as international standards, and to “level-set past, misleading statements regarding radiological risk and reassess the Linear Non-Threshold standard.”

p. 428 **Office of Water (OW)**

p. 428 “OW has generated a large number of expansive regulations that infringe on private property rights, most notably with the Waters of the U.S. program. . . . OW relies heavily on guidance documents that are outdated and that sometimes have been in a “deliberative” state for years. . . . The August 6, 2019, ‘Office of Water Policy for Draft Documents’ memorandum should be strictly enforced to ensure transparency as well as good governance by not letting guidance linger in draft form and by also ensuring that guidance documents are clearly just that: guidance. They do not have the effect of law and should not be treated by the office as if they did have any such effect.”

p. 429 “Depending on the outcome of regulations from the Biden Administration as well as intervention by the Supreme Court on both waters of the United States (WOTUS) and CWA Section 401, the repeal and reissuance of new regulations should be pursued.”

pp. 429-30 The Report proposes several new regulations in the water sector, including:

Commented [48]: Note that all of these additional regulations create new requirements and litigation, in an attempt to limit EPA’s authority

- A WOTUS rule that makes clear what is and is not a “navigable water” and respects private property rights, [codifying] the definition in *Rapanos v. United States* that “waters of the United States” can refer only to “relatively permanent, standing or continuously flowing bodies of water...as opposed to ordinarily dry channels through which water occasionally or intermittently flows.”
- A rule that provides clarity and regulatory certainty regarding the CWA Section 401 water quality certification process to limit unnecessary delay for needed projects, including by establishing a discharge-only approach with a limited scope (from point sources into navigable waters), assessing only water quality factors that are consistent with specific CWA sections, and excluding speculative analysis regarding future potential harm.
- A rule to ensure that CWA Section 30831 has a clear and enforced time limit.
- A rule to clarify the standard for criminal negligence under CWA Sections 40232 and 404.33.
- A rule to prohibit retroactive or preemptive permits under CWA Section 404.
- A rule to promote and shape nutrient trading that utilizes a carrot-versus-stick approach when dealing with nutrient compliance.
- A rule to update compensatory mitigation that imposes no new or additional requirements beyond current law.
- A rule on updates necessary for the effective use of the CWA needs survey.
- An executive order requiring EPA to expedite the process for states obtaining primacy in available CWA and SDWA programs including coordination with the Army Corps of Engineers and the Department of the Interior.

p. 430 **Office of Land and Emergency Management (OLEM)**

pp. 430-31 The Report describes OLEM’s mission of partnering with other federal agencies, states, tribes, local governments, and communities to clean up legacy pollution and revitalize land for reuse. The main statutes that OLEM executes are the Resource Conservation and Recovery Act (RCRA) to regulate waste management; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to clean up Superfund sites and brownfields sites; and Section 112(r) of the Clean Air Act to reduce the likelihood of accidental chemical releases. The Report appears to propose mainly constructive measures to increase the efficiency and effectiveness of OLEM’s operations. Possible items of concern would be the following proposals related to Superfund sites: “Revise groundwater cleanup regulations and policies to reflect the challenges of omnipresent contaminants like PFAS. Revisit the designation of PFAS chemicals as “hazardous substances” under CERCLA. Allow PRPs to perform the statutorily required five-year reviews of Superfund cleanups to free OLEM resources.”

p. 433 **Office of Chemical Safety and Pollution Prevention (OCSPP)**

p. 433 The Report notes that OCSPP operates through separate offices, OPPT and OPP, for the regulation of chemicals and pesticides, respectively, asserting that “OCSPP is constantly pressured to ban the use of certain chemicals, typically based on fear as a result of mischaracterized or incomplete science.”

pp. 433-34 Potentially concerning proposals for chemicals regulation by OPPT include the following:

- Ensure that decision-making is risk-based rather than defaulting to precautionary, hazard-based approaches like the Integrated Risk Information System (IRIS).
- Focus the scope of chemical evaluations on pathways of exposure that are not covered by other program offices and other environmental statutes, and eliminate scope creep to ensure that evaluations can be completed in a timely manner consistent with the statutory requirements.
- Ensure that new chemical evaluations are conducted in a timely manner, consistent with statutory requirements, to ensure the competitiveness of U.S. manufacturers.
- For new chemicals, reset the program to ensure that reviews are completed on a timeline that is consistent with the statute. This includes revising the regulations governing the reviews of new chemicals.
- Ensure that risk evaluations and risk management rules presume that workplaces are following all OSHA requirements, including requirements for personal protective equipment (PPE).
- Apply real-world use of chemicals when assessing conditions of use for risk evaluations.
- Develop a framework rule for risk management approaches that will be used under TSCA for existing chemicals.

Commented [49]: Most chemicals currently follow a "risk based" approach -- requiring a showing of harm to disallow a chemical rather than a showing of non-harm to allow it. The EU has used the precautionary principle approach much more than the US.

pp. 434-35 Likewise, potentially concerning proposals for pesticides regulation by OPP include the following:

- OPP should rely on Department of Agriculture and state usage data that reflect actual pesticide use in registration reviews and Endangered Species Act analyses.
- OPP has rigorous testing requirements that registrants must meet before pesticides are allowed on the market. However, when pesticides undergo registration review every 15 years, EPA relies on publicly available data with differing levels of quality and transparency. Data standards are needed to ensure that information relied on by EPA is made available to the agency at a similar level as the original testing data

conducted by registrants to ensure that EPA can conduct a robust review and analysis of the data.

- Endangered Species Act (ESA) reform for pesticides is necessary. When approving pesticides, FIFRA allows for cost-benefit balancing, recognizing that pesticides are effective precisely because they harm pests. However, the ESA does not allow for any consideration of the beneficial effects of pesticides. In order to meet ESA obligations, pesticide uses are severely restricted, leaving growers with limited tools for crop protection.
- New policies are needed to ensure that other program offices will defer to OPP on toxicity issues. OPP has rigorous testing requirements for pesticide ingredients and products to ensure before they go to market that their use will not harm human health and the environment. Assessments by other offices are redundant.
- While individual pesticide registrations are considered adjudications and not reviewed by the Office of Management and Budget (OMB), consistent with a 1993 OMB guidance, when pesticide tolerances and registrations are withdrawn by the agency (as opposed to being withdrawn voluntarily by registrants), these actions should undergo coordinated interagency review managed by OMB.

p. 435 **Office of Research and Development (ORD)** and Related Science Activities

pp. 435-36 “EPA’s scientific enterprise, including ORD, has rightly been criticized for decades as precautionary, bloated, unaccountable, closed, outcome-driven, hostile to public and legislative input, and inclined to pursue political rather than purely scientific goals.”

p. 436 “Needed Reforms: Day One Priorities

- **Notify Congress that EPA will not conduct any ongoing or planned science activity for which there is not clear and current congressional authorization.** This priority should be underscored in the President’s first budget request.
- The new President’s Inauguration Day regulatory review/freeze directives should avoid exceptions for EPA actions. This freeze should explicitly include quasi-regulatory actions, including assessments, determinations, standards, and guidance, that have failed to go through the notice-and-comment process and may date back years.
- Pause for review of all contracts above \$100,000 with a heavy focus on major external peer reviews and regulatory models.
- Call for the public to identify areas where EPA has inconsistently assessed risk, failed to use the best science, or participated in research misconduct.

Commented [50]: New threats, new science, new issues would require congressional authorization - from a Congress that doesn't act and has no science expertise.

- Eliminate the use of unauthorized regulatory inputs like the social cost of carbon, black box and proprietary models, and unrealistic climate scenarios, including those based on Representative Concentration Pathway (RCP) 8.5.

pp. 436-37 Proposed “Personnel Actions” are similarly draconian:

Commented [51]: Clearcut attack on science.

- Quickly nominate a reform-minded Assistant Administrator for Research and Development.
- Appoint and empower a Science Adviser reporting directly to the Administrator in addition to a substantial investment (no fewer than six senior political appointees) charged with overseeing and reforming EPA research and science activities. . . .
- Suspend and review the activities of EPA advisory bodies, many of which have not been authorized by Congress or lack independence, balance, and geographic and viewpoint diversity.
- Retract delegations for key science and risk-assessment decisions from Assistant Administrators, regional offices, and career officials.
- Eliminate the use of Title 42 hiring authority that allows ORD to spend millions in taxpayer dollars for salaries of certain employees above the civil service scale.
- Announce plans to streamline and reform EPA’s poorly coordinated and managed laboratory structure.

p. 437 “Budget: Back-to-Basics Rejection of Unauthorized or Expired Science Activities. A top priority should be the immediate and consistent rejection of all EPA ORD and science activities that have not been authorized by Congress. . . .

“Several ORD offices and programs, many of which constitute unaccountable efforts to use scientific determinations to drive regulatory, enforcement, and legal decisions, should be eliminated. The Integrated Risk Information System, for example, was ostensibly designed by EPA to evaluate hazard and dose-response for certain chemicals. Despite operating since the 1980s, the program has never been authorized by Congress and often sets ‘safe levels’ based on questionable science and below background levels, resulting in billions in economic costs. The program has been criticized by a wide variety of stakeholders EPA has failed to implement meaningful reforms, and this unaccountable program threatens key regulatory processes as well as the integrity of Clean Air Act and TSCA implementation.”

pp. 437-38 “Needed EPA Advisory Body Reforms. EPA currently operates 21 federal advisory committees. These committees often play an outsized role in determining agency scientific and regulatory policy, and their membership has too often been handpicked to

achieve certain political positions. In the Biden Administration, key EPA advisory committees were purged of balanced perspectives, geographic diversity, important regulatory and private-sector experience, and state, local, and tribal expertise. Contrary to congressional directives and recommendations from the GAO and intergovernmental associations, these moves eviscerated historic levels of participation on key committees by state, local, and tribal members from 2017 to 2020. As a result, a variety of EPA regulations lack relevant scientific perspectives, increasing the risks of economic fallout and a failure of cooperative federalism. EPA also has repeatedly disregarded legal requirements regarding the role of these advisory committees and the scope of scientific advice on key regulations.”

pp. 438-39 “EPA should embrace so-called citizen science and deputize the public to subject the agency’s science to greater scrutiny, especially in areas of data analysis, identification of scientific flaws, and research misconduct. In addition, EPA should:

- Shift responsibility for evaluating misconduct away from its Office of Scientific Integrity, which has been overseen by environmental activists, and toward an independent body.
- Work (including with Congress) to provide incentives similar to those under the False Claims Act for the public to identify scientific flaws and research misconduct, thereby saving taxpayers from having to bear the costs involved in expending unnecessary resources.
- Avoid proprietary, black box models for key regulations. Nearly all major EPA regulations are based on nontransparent models for which the public lacks access or for which significant costs prevent the public from understanding agency analysis.
- Reject precautionary default models and uncertainty factors. In the face of uncertainty around associations between certain pollutants and health or welfare endpoints, EPA’s heavy reliance on default assumptions like its low-dose, linear non-threshold model bake orders of magnitude of risk into key regulatory inputs and drive flawed and opaque decisions. Given the disproportionate economic impacts of top-down solutions, EPA should implement an approach that defaults to less restrictive regulatory outcomes.

p. 439 “Legislative Reforms . . . Congress should prioritize several EPA science activity reforms:

- Use of the Congressional Review Act for Congress to disapprove of EPA regulations and other quasi-regulatory actions and prohibit “substantially similar” actions in the future.

- Reform EPA’s Science Advisory Board and other advisory bodies to ensure independence, balance, transparency, and geographic diversity.
- Build on recent bipartisan proposals to increase transparency for advisory bodies, . . . to strengthen provisions for independence, accountability, geographic diversity, turnover, and public participation. . . .
- Add teeth to long-standing executive orders, memoranda, recommendations, and other policies to require that EPA regulations are based on transparent, reproducible science as well as that the data and publications resulting from taxpayer-funded activities are made immediately available to the public.
- Reject funds for programs that have not been authorized by Congress (like IRIS) as well as peer review activities that have not been authorized by Congress.
- Revisit and repeal or reform outdated environmental statutes. A high priority should be the repeal or reform of the Global Change Research Act of 1990, which has been misused for political purposes.
- Repeal Inflation Reduction Act programs providing grants for environmental science activities.”

p. 441 **Office of General Counsel (OGC)**

p. 441 The Report criticizes the Biden Administration for “broadening EPA’s use and interpretation of Environmental Justice (EJ) and Title VI of the Civil Rights Act of 1964 beyond long-standing understandings of the legal limits of that authority.” The Report notes that “there is an opportunity to redefine EJ as a tool for the agency to prioritize environmental protection efforts and assistance to communities in proximity to pollution or with the greatest need for additional protection. Allocations of agency resources, increased EPA enforcement, and/or agency distribution of grants should be based on neutral constitutional principles.”

The Report also proposes to set a policy of legally speaking with one voice. “Some EPA offices (for example, the Office of Enforcement and Compliance Assurance and the Offices of Regional Counsel) assert legal positions and interpretations of the law that conflict with an Administration’s interpretation as articulated by OGC with input from program offices. It is unacceptable for the agency to have inconsistent legal positions, particularly with respect to key interpretative issues. All attorneys with authority to represent EPA—not necessarily all attorneys—should therefore be housed in OGC.”

p. 445 The Report concludes its chapter on EPA and its various offices as follows:

“A more conservative EPA that aligns with the policies outlined in this chapter will lead to a better environmental future without unintended consequences. It will prevent

unnecessary expenditures by the regulated community, allowing for investment in economic development and job creation, which are keys to thriving communities. Cutting EPA's size and scope will deliver savings to the American taxpayer. Improved transparency will serve as an important check to ensure that the agency's mission is not distorted or coopted for political gain. Importantly, a conservative EPA will deliver tangible environmental improvements to the American people in the form of cleaner air, cleaner water, and healthier soils."

p. 517 Chapter 16: **DEPARTMENT OF THE INTERIOR (DOI)**

p. 519 "Biden's DOI is at war with the department's mission, not only when it comes to DOI's obligation to develop the vast oil and gas and coal resources for which it is responsible, but also as to its statutory mandate, for example, to manage much of federal land overseen by the BLM pursuant to "multiple use" and "sustained yield" principles. Instead, Biden's DOI believes most BLM land should be placed off-limits to all economic and most recreational uses. Worse yet, Biden's DOI not only refuses to adhere to the statutes enacted by Congress as to how the lands under its jurisdiction are managed, but it also insists on implementing a vast regulatory regime (for which Congress has not granted authority) and overturning, by unilateral regulatory action, congressional acts that set forth the productive economic uses permitted on DOI-managed federal land."

Commented [52]: An interesting interpretations of DOI's mission, which includes, for example, the Fish and Wildlife Service

Commented [53]: This will very likely give rise to a Major Question challenge

p. 520 "RESTORING AMERICAN ENERGY DOMINANCE

"Given the dire adverse national impact of Biden's war on fossil fuels, no other initiative is as important for the DOI under a conservative President than the restoration of the department's historic role managing the nation's vast store house of hydrocarbons, much of which is yet to be discovered."

Commented [54]: More fossil fuel agenda, and climate denial

p. 521 "DOI is abusing National Environmental Policy Act (NEPA) processes, the Antiquities Act, and bureaucratic procedures to advance a radical climate agenda, ostensibly to reduce greenhouse gas emissions, for which DOI has no statutory responsibility or authority. The Federal Land Policy and Management Act (FLPMA), Outer Continental Shelf Lands Act (OSCLA), General Mining Law, and other congressional acts clearly set forth multiple-use principles and processes that include production of coal, oil, natural gas, and other minerals, as legitimate activities consistent with the welfare of all Americans and of environmental stewardship.

Commented [55]: more Major Question litigation likely

"Biden's DOI is hoarding supplies of energy and keeping them from Americans whose lives could be improved with cheaper and more abundant energy while making the economy stronger and providing job opportunities for Americans. DOI is a bad manager of the public

trust and has operated lawlessly in defiance of congressional statute and federal court orders.”

pp. 521-22 “**Rollbacks.** A new Administration must immediately roll back Biden’s orders, reinstate the Trump-era Energy Dominance Agenda, rescind Secretarial Order (SO) 3398, and review all regulations, orders, guidance documents, policies, and similar agency actions made in compliance with that order. Meanwhile, the new Administration must immediately reinstate [a long list of] Trump DOI secretarial orders.”

pp. 522-23 “[T]he new Administration must:

“Reinstate quarterly onshore lease sales in all producing states according to the model of BLM’s IM 2018–034, with the slight adjustment of including expanded public notice and comment. The new Administration should work with Congress on legislation, such as the Lease Now Act and ONSHORE Act, to increase state participation and federal accountability for energy production on the federal estate.

“Conduct offshore oil and natural gas lease sales to the maximum extent permitted under the 2023–2028 lease program, with the possibility to move forward under a previously studied but unselected plan alternative.

“Develop immediately and finalize a new five-year plan, while working with Congress to reform the OCSLA by eliminating five-year plans in favor of rolling or quarterly lease sales.

“Review all resource management plans finalized in the previous four years and, when necessary, select studied alternatives to restore the multi-use concept enshrined in FLPMA and to eliminate management decisions that advance the 30 by 30 agenda.

“Set rents, royalty rates, and bonding requirements to no higher than what is required under the Inflation Reduction Act.

“Comply with the Alaska National Interest Lands Conservation Act (ANILCA) and the Tax Cuts and Jobs Act of 2017 to establish a competitive leasing and development program in the Coastal Plain, an area of Alaska that was set aside by Congress specifically for future oil and gas exploration and development. . . .

“Conclude the programmatic review of the coal leasing program, and work with the congressional delegations and governors of Wyoming and Montana to restart the program immediately.

“Abandon withdrawals of lands from leasing in [various specified areas of Western states].

p. 524 “**Rulemaking:** Rescind the Biden rules and reinstate the Trump rules regarding: 1. BLM waste prevention; 2. The Endangered Species Act rules defining Critical Habitat and Critical Habitat Exclusions; 3. The Migratory Bird Treaty Act; and 4. CEQ reforms to NEPA.

“Reinstate President Trump’s plan for opening most of the National Petroleum Reserve of Alaska to leasing and development.”

p. 529 “**IMMEDIATE ACTIONS REGARDING ALASKA.** Alaska is a special case and deserves immediate action.

p. 530 “Despite the passage of nearly 40 years since the end of the Reagan Administration, the federal government has yet to fulfill its statutory obligation to Alaska and Alaska Natives—specifically, each group has 5 million acres of entitlement remaining. Standing in the way are Public Land Orders (PLOs) issued by the BLM seizing that land for the agency. Those PLOs must be lifted to permit Alaska and Alaska Natives to select what was promised by Congress.”

p. 530 “A new Administration must take the following actions immediately:

- Approve the 2020 National Petroleum Reserve Alaska Integrated Activity Plan (NPRA-IAP) by resigning the Record of Decision. . . .
- Reinstate the 2020 Arctic National Wildlife Refuge Environmental Impact Statement (EIS) by secretarial order and lift the suspension of the leases.
- Approve the 2020 Willow EIS, the largest pending oil and gas projection in the United States in the National Petroleum Reserve-Alaska, and expand approval from three to five drilling pads.”

p. 530 “Alaska is not just blessed with an abundance of oil, it has vast untapped mineral potential. Therefore, the new Administration must immediately approve the Ambler Road Project across BLM-managed lands, pursuant to the Secretary’s authority under the ANILCA and based on the Final Environmental Impact Statement on the project. This will permit construction of a new 211-mile roadway on the south side of the Brooks Range”

p. 531 “**Wildlife and Waters.** Throughout Alaska’s history, the federal government has treated Alaska as less than a sovereign state. This is especially the case when it comes to two of Alaska’s most valued resources, its wildlife and its waters. . . . A new Administration should:

- Revoke National Park Service and U.S. Fish and Wildlife Service rules regarding predator control and bear baiting, which are matters for state regulation. . . .

- Recognize Alaska’s authority to manage fish and game on all federal lands in accordance with ANILCA as during the Reagan Administration
- Issue a secretarial order declaring navigable waters in Alaska to be owned by the state so that the lands beneath these waters belong to Alaska. . . .
- Reinstate President Trump’s 2020 Alaska Roadless Rule for the Tongass National Forest in Alaska, which was replaced by a Biden Roadless Rule that continues a 2001 Clinton rule affecting 9.37 million of the forest’s 16.7 million acres. . . .”

pp. 531-32 “**The 30 by 30 Plan.** President Biden’s Executive Order 14008 (30 by 30 plan) requires that the federal government . . . : (1) remove vast amounts of private property from productive use; and (2) end congressionally mandated uses of all federal land. . . . Although the new President should vacate that order, DOI under a conservative President must take immediate action on the 30 by 30 plan by vacating a secretarial order issued by the Biden DOI that eliminated the Trump Administration’s requirement for the approval of state and local governments before federal acquisition of private property with monies from the Land and Water Conservation Fund.”

p. 532 “**National Monument Designations.** As has every Democratic President before him beginning with Jimmy Carter, Joe Biden has abused his authority under the Antiquities Act of 1906. . . . The new Administration’s review will permit a fresh look at past monument decrees and new ones by President Biden.

“Furthermore, the new Administration must vigorously defend the downward adjustments it makes to permit a ruling on a President’s authority to reduce the size of national monuments by the U.S. Supreme Court.

“Finally, the new Administration must seek repeal of the Antiquities Act of 1906, which permitted emergency action by a President long before the statutory authority existed for the protection of special federal lands, such as those with wild and scenic rivers, endangered specials, or other unique places.”

p. 533 “**NEPA Reforms.** . . . The Trump Administration adopted common-sense NEPA reform that must be restored immediately. Meanwhile, DOI should reinstate the secretarial orders adopted by the Trump Administration, such as placing time and page limits on NEPA documents and setting forth—on page one—the costs of the document itself. Meanwhile, the new Administration should call upon Congress to reform NEPA to meet its original goal. Consideration should be given, for example, to eliminating judicial review of the adequacy of NEPA documents or the rectitude of NEPA decisions.”

pp. 533-34 “**The Endangered Species Act.** . . . Its greatest deficiency, according to one renowned expert, is ‘conflict of interest.’ Specifically, the work of the Fish and Wildlife

Commented [56]: This will clearly be litigated

Commented [57]: This repeal would end the ability of presidents to designate national monuments and other protected areas

Commented [58]: Given that the Report is supporting private interests’ efforts to eliminate the ESA, the notion of conflict of interest here seems rather misdirected

Service is the product of ‘species cartels’ afflicted with group think, confirmation bias, and a common desire to preserve the prestige, power, and appropriations of the agency that pays or employs them. . . . Meaningful reform of the Endangered Species Act requires that Congress take action to restore its original purpose and end its use to seize private property, prevent economic development, and interfere with the rights of states over their wildlife populations. In the meantime, a new Administration should take the following immediate action [partial list]:

- Delist the grizzly bear in the Greater Yellowstone and Northern Continental Divide Ecosystems
- Delist the gray wolf in the lower 48 states in light of its full recovery under the ESA.
- Cede to western states jurisdiction over the greater sage-grouse
- Direct the Fish and Wildlife Service to end its abuse of Section 10(j) of the ESA by re-introducing so-called “experiment species” populations into areas that no longer qualify as habitat and lie outside the historic ranges of those species
- Direct the Fish and Wildlife Service to design and implement an impartial conservation triage program by prioritizing the allocation of limited resources to maximize conservation returns, relative to the conservation goals, under a constrained budget.
- Direct the Fish and Wildlife Service to make all data used in ESA decisions available to the public, with limited or no exceptions
- Abolish the Biological Resources Division of the U.S. Geological Survey

pp. 535-36 **Western Water Issues.** This short section appears to be uncontroversial with the possible exception of the following recommendation: “Reinstate Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.”

p. 619 **Chapter 19: DEPARTMENT OF TRANSPORTATION (DOT)**

p. 620 “[C]ongressional mandates and funding priorities have made it difficult for DOT to focus on the pressing transportation challenges that most directly affect average Americans, such as the high cost of personal automobiles, especially in an era of high inflation; unpredictable and expensive commercial shipping by rail, air, and sea; and infrastructure spending that does not match the types of transportation that most Americans prefer. Transforming the department to address the varied needs of all Americans more effectively remains a central challenge.”

p. 621 “DOT’s fundamental problem is that instead of being able to focus on providing Americans with affordable and abundant transportation, it has become saddled with congressional requirements that reduce the department to a de facto grant making organization. Yet there is little need for much of this grantmaking”

p. 623 “Much infrastructure could be funded through public–private partnerships (P3s), a procurement method that uses private financing to construct infrastructure. In exchange for providing the financing, the private partner typically retains the right to operate the asset under requirements specified by the government in a contract called a concession agreement.”

Commented [59]: The extensive effort to use this mechanism in CA has not worked out well

p. 626 “**Corporate Average Fuel Economy (CAFE) Standards.** One reason for the high numbers of injuries on American roadways is that national fuel economy standards raise the price of cars, disincentivizing people from purchasing newer, safer vehicles.”

Commented [60]: This is primarily an oil and gas company position rather than the automobile industry (which is poised to move to EVs)

p. 627 “Congress chose to assign the power to set fuel economy standards to DOT rather than EPA. This was not only because DOT understands the technologies and economics of the auto industry, but also because NHTSA is the nation’s leading motor vehicle safety regulator, and Congress sought to ensure that fuel economy requirements would not adversely affect highway safety. Unfortunately, the Biden Administration has flouted these statutory limitations in nearly every respect. The predictable result is higher expected transportation costs for Americans.

- In pursuit of an anti–fossil fuel climate agenda never approved by Congress, the Biden Administration has raised fuel economy requirements to levels that cannot realistically be met by most categories of ICE vehicles. The purpose is to force the auto industry to transition away from traditional technologies to the production of electric vehicles (EVs) and compel Americans to accept costly EVs despite a clear and persistent consumer preference for ICE-powered vehicles. In further support of this agenda, federal regulators administer a scheme of generous fuel economy credits that subsidize EV producers such as Tesla at the expense of legacy automakers.
- Moreover, and contrary to Congress’s design, the Biden EPA has been given preeminence in the regulation of fuel economy through the setting of carbon dioxide emissions limits for new motor vehicles under the Clean Air Act. Because carbon dioxide emissions levels correspond to mileage in automobiles powered by fossil fuels, these EPA rules are de facto fuel economy requirements that apply independently of NHTSA’s standards.
- The Biden Administration has also granted California a special waiver under the Clean Air Act that permits the California Air Resources Board (CARB) to issue its own fuel economy directives, notwithstanding EPCA’s prohibition on state standards. Under this waiver, CARB has ordered automakers to phase out the sale of ICE-powered automobiles in California and transition to the production of zero-emission vehicles by 2035. The Clean Air Act allows other states to follow

Commented [61]: CA explicitly has authority to set emission standards, affirmed by the courts. This is an old argument

California’s requirements; thus, CARB is effectively determining fuel economy policies for the entire nation.

pp. 627-28 “As a result of these regulatory actions, automobiles will be significantly more expensive to produce, there will be fewer affordable new vehicle options for American families, and fewer new vehicles will be sold in the U.S. . . . In exchange for all of these harmful effects—on traffic safety, consumer choice, American jobs, the nation’s air quality, and U.S. national security—the Biden fuel economy regulations are predicted to have no meaningful effect on global temperature trends over the long term.”

pp. 628-29 The next Administration must return the federal fuel economy program to the limits established by Congress. The standards issued by NHTSA must be reset at reasonable levels that are technologically feasible for ICE automobiles and consistent with an increase in domestic auto production and healthy growth in the sale of safer and more affordable new vehicles. To achieve these goals, the next Administration should:

- Reduce proposed fuel economy levels. The Administration should consider returning to the minimum average fuel economy levels specified by Congress for model year 2020 vehicles: levels aimed at achieving a fleet-wide average of 35 miles per gallon. . . .
- Ensure that DOT again exercises priority in the setting of fuel economy standards. Any EPA limits on carbon dioxide emissions, even if authorized under the Clean Air Act, must support and work in harmony with DOT standards and must not override them For example, EPA could regulate air conditioning systems and leave engine standards to DOT.
- Revoke the special waiver granted to California by the Biden Administration. . . .

p. 629 **Federal Highway Administration (FHWA)**

p. 629 “[O]ver the course of decades, presidential Administrations and Congress have caused the FHWA to go beyond its original mission. The variety of infrastructure projects now eligible for funding through the FHWA include ferryboat terminals, hiking trails, bicycle lanes, and local sidewalks. In many cases, such projects should be the sole responsibility of local or state governments, not dependent on FHWA funding. . . .

“The Biden Administration has broadened the FHWA’s scope by emphasizing the priorities of progressive activists instead of pursuing practical goals. . . . Furthermore, the Biden Administration’s embrace of the ‘Vision Zero’ approach to safety often means actively seeking congestion for automobiles to reduce speeds. . . .

“Instead, the next Administration should . . . refocus the FHWA on maintaining and improving the highway system[,] . . . reform rules and regulations that hamper state governments[, and r]educe . . . federal involvement in local infrastructure decisions.”

p. 634 **“Federal Transit Policy.**

pp. 634-35 New micromobility solutions, ridesharing, and a possible future that includes autonomous vehicles mean that mobility options—particularly in urban areas— can alter the nature of public transit, making it more affordable and flexible for Americans. Unfortunately, DOT now defines public transit only as transit provided by municipal governments. This means that when individuals change their commutes from urban buses to rideshare or electric scooter, the use of public transit decreases. A better definition for public transit (which also would require congressional legislation) would be transit provided for the public rather than transit provided by a public municipality.”

p. 635 “Regrettably, the 2021 Infrastructure Investment and Jobs Act authorized tens of billions of dollars for the expansion of transit systems even as Americans were moving away from them and into personal vehicles. Lower revenue from reduced ridership is already driving transit agencies to a budgetary breaking point, and added operational costs from system expansions will make this problem worse.”

p. 636 “It is also vital to move away from using the Highway Trust Fund to prop up mass transit. . . . With the federal government facing mounting debt, the best course of action would be to remove federal subsidies for transit spending, allowing states and localities to decide whether mass transit is a good investment for them.”

Commented [62]: So, the federal government only subsidizes highways. What a great vision for America.

p. 663 **Chapter 21: DEPARTMENT OF COMMERCE**

p. 664 “The National Oceanographic and Atmospheric Administration (NOAA) should be dismantled and many of its functions eliminated, sent to other agencies, privatized, or placed under the control of states and territories.”

pp. 674-75 “Break Up NOAA. The single biggest Department of Commerce agency outside of decennial census years is the National Oceanic and Atmospheric Administration, which houses the National Weather Service, National Marine Fisheries Service, and other components. . . . Together, these form a colossal operation that has become one of the main drivers of the climate change alarm industry and, as such, is harmful to future U.S. prosperity. . . . It should be broken up and downsized. NOAA today boasts that it is a provider of environmental information services, a provider of environmental stewardship services, and a leader in applied scientific research. Each of these functions could be provided commercially, likely at lower cost and higher quality.”

Commented [63]: Another example of climate denial. If we eliminate the agency that provides a great deal of climate data, the issue of climate change will disappear.

pp. 675-77 Detailed proposals for disposing of NOAA operations.

pp. 886-87 **Concluding Chapter** (excerpt):

“From the original 1981 Reagan-era Mandate for Leadership to this edition for 2025, the purpose remains the same: to present concrete proposals to revitalize our economy, strengthen our national security, and halt the centralization of power in the federal government.

“In Washington, there are no permanent victories. But neither are there permanent defeats. Rather, there are permanent battles throughout the policy arena. The other side is never standing still. While we may achieve tremendous successes under conservative leaders, the Left is always working to chip away at them, which is why we must constantly be prepared for the next fight.

“That’s why today, Heritage President Kevin Roberts, Project 2025 Director Paul Dans, the whole Heritage team, more than 50 organizations, and more than 360 experts from throughout the conservative movement have come together to continue the Mandate for Leadership tradition of creating policy solutions to solve the biggest issues facing America—solutions based on the core principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.

“We do this not to expand government, grow its largesse for some special interest, or centralize more control in Washington. Instead, we do this to build an America where freedom, opportunity, prosperity, and civil society flourish for all.”