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Description of document: Department of Agriculture (USDA) Action Plan Response on Executive Order 14154: Unleashing American Energy developed by the Secretary of Agriculture under the requirements of Executive Order 14154, 2025

Requested date: 23-March-2025

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Source of document: FOIA Request
U.S. Department of Agriculture
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Office of Information Affairs

June 15, 2025

Delivered via Electronic Mail

**Re: Freedom of Information Act (FOIA) Request No. 2025-DA-05711-F
Final Response**

This is the U.S. Department of Agriculture (USDA), Office of Information Affairs' (OIA) final response to the above-referenced FOIA request, which sought:

[A] copy of the action plan or action plans developed by the Secretary of Agriculture under the requirements of Executive Order 14154 (Unleashing American Energy) to suspend, revise or rescind all agency actions identified as unduly burdensome under Section 3 of Executive Order.

You specified that the requested plan(s) would be dated either February or March 2025.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

The USDA's Client Experience Center (CEC) conducted a search for responsive records. The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services to USDA end users. The CEC also implements and manages enterprise IT solutions for users Department-wide. The CEC searched the email accounts associated with USDA employees in the Office of the Secretary (OSEC) and the Office of Budget and Program Analysis (OBPA) charged with implementing Executive Order (E.O.) 14154 for action plans developed in response to Section 3 of the E.O. In addition, the OSEC and OBPA custodians conducted manual searches for action plans developed in response to E.O. 14154 Section 3. These searches identified six (6) pages of agency records responsive to your request.

The OIA considered the foreseeable harm standard when reviewing the records and applying any relevant FOIA exemptions and has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. § 552(b)(5) (FOIA Exemption 5). Below is an explanation of the information that has been withheld.

FOIA Exemption 5 – Deliberative Process Privilege

FOIA Exemption 5 protects from disclosure those "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with

the agency.” One of the frequently invoked FOIA Exemption 5 privileges is the deliberative process privilege. To fall within FOIA’s deliberative process privilege, the records must be both pre-decisional and deliberative; the records must precede the adoption of an agency policy and include the opinions, recommendations, or deliberations on a legal or policy matter.

In this instance, the OIA is withholding, under the deliberative process privilege, portions of the USDA Action Plan Response to Executive Order 14154: Unleashing American Energy which reflect pre-decisional inter-agency proposed actions regarding Executive Order 14154. These items were pre-decisional and were antecedent to any final agency decision. These items were also deliberative in that they reflected the evolving, back-and-forth process between agency employees and consultants that is so integral to the Executive Branch decision-making process. Disclosure of such information would have a chilling effect on the ability of agency officials to engage in free and frank discussions regarding policy and agency action.

If these pre-decisional, deliberative communications were released to the public, USDA and other Executive Branch employees would be much more cautious in their discussions with each other, and in candidly discussing and providing all pertinent information and viewpoints in a timely manner to agency decision-makers. This lack of candor would also seriously impair the Department’s ability to engage in forthright, internal discussions necessary for efficient and proper agency decision-making.

You may appeal this response by email at USDAFOIA@usda.gov. Your appeal must be in writing, and it must be received electronically no later than 90 calendar days from the date of this letter. The OIA will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number, a copy of the original request, the OIA’s response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email and the appeal letter should be marked “Freedom of Information Act Appeal” and reference FOIA No. 2025-DA-05711-F.

You may seek dispute resolution services from the OIA’s FOIA Public Liaison, Ms. Melanie Enciso. Ms. Enciso may be contacted by telephone at (202) 720-9462, or electronically at Melanie.Enciso@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit [Request OGIS Assistance | National Archives](#) for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Susan Ruppel at 202-690-5220 or electronically at susan.ruppel@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at [Freedom of Information Act Division | USDA](#).

The OIA appreciates the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink that reads "Alexis R. Graves". The signature is written in a cursive, flowing style.

Alexis R. Graves
Director
Office of Information Affairs

Enclosure: Responsive Records (6 pages)

Topic: USDA Action Plan Response on Executive Order 14154: UNLEASHING AMERICAN ENERGY

OVERVIEW:

The Executive Order 14154: UNLEASHING AMERICAN ENERGY (signed January 20, 2025), requires two actions from the Secretary of Agriculture among others. The first is to immediately review all agency actions that potentially burden the development of domestic energy resources (sec. 3(a)). The second, due 30 days from the date of the order is to, in consultation with the Director of the Office of Management and Budget (OMB) and the National Economic Council (NEC), develop and begin implementing action plans to suspend, revise, or rescind all such identified agency actions, as expeditiously as possible and consistent with applicable law (sec. 3(b)).

The Forest Service and Rural Development mission area of the U.S. Department of Agriculture provide the following input.

FOREST SERVICE:

Relevant regulations and direction

36 CFR 228 Subpart A – Locatable Minerals

The 228A regulations are largely unchanged since first promulgated in 1974, and have become increasingly outdated, resulting in longer processing times and inefficient agency administration of activity under the Mining Law. In September 2018, the Forest Service published an advance notice of proposed rulemaking (ANPR) to solicit public comment on potential changes to 228A, which also served as a notice of intent to prepare an environmental analysis. Primary benefits of the proposed 228A regulatory revisions are:

- Consistency and efficiency in processing and administering locatable mining operations internally. Increased consistency with Bureau of Land Management surface management regulations.
- Increased clarity regarding many aspects of administering hardrock mining activity, which is expected to increase agency efficiency, reduce processing time, and facilitate exploration and development of mineral deposits on National Forest System (NFS) lands,
- Providing an opportunity to authorize exploration activities in a more efficient manner and reduce the administrative burden to the Forest Service and the financial and time-dependent burden to the operator,
- Improved implementation of federal policy to foster and encourage private enterprise in the development of domestic resources, which would benefit local economies, and
- Continued support to local economies. Hardrock exploration and mining activity generates jobs in many rural communities adjacent to NFS lands. For every job at a mine, there's another job in the regional economy that exists because of the mining operation.

36 CFR 228 Subpart E – Oil and Gas Resources

Updating the 228E regulations affords an opportunity to address statutory and other requirements enacted since the regulations were promulgated in 1990 and modernize and streamline existing procedures for oil and gas leasing and permitting. On September 1, 2020, the USDA Forest Service published a proposed rule in the *Federal Register* (FR Doc. 2020-18518) seeking public comment on proposed revisions to federal oil and gas regulations on National Forest System (NFS) lands at 36 CFR 228, subpart E. Primary benefits of the revisions to the 228E regulatory processes are:

- Agency and federal cost savings are estimated to be up to \$200,000 per year from more efficient decision-making on the availability of National Forest System lands for oil and gas leasing, and moving the procedures for processing “expressions of interest” in leasing from operators to the Forest Service Manual or Handbook for more efficient administration and use in the field.
- Better alignment of Forest Service procedures and regulatory language with BLM procedures and regulations and provide administrative and processing costs savings for the agency and operators by updating provisions for lease stipulation waivers, exceptions, and modifications, clarifying and updating procedures for reviewing and approving Surface Use Plan of Operations (SUPOs), the use of Sundry Notices for changes in SUPOs, consistency between the agencies in issuance of non-compliance, and clarifying the process for determining the amount of reclamation bonds.
- Benefits to industry and the public include expedited oil and gas production from streamlined procedures, as well as time-valued revenue, rents, and royalties resulting from reduced processing or approval times for leases and well permits made possible by a number of the rule modifications, including clarified use of Master Development Plans.
- The Forest Service prepared a programmatic environmental assessment of the revisions and found the rulemaking actions would not, by themselves, have an effect on any natural or cultural resources or impact other forest uses. Compliance with the National Environmental Policy Act (NEPA) is still required for leasing decisions, SUPOs, and sundry notices involving additional surface disturbance. Increased reliance on the BLM for expedited resolution of non-compliance, as well as improved procedures for specifying reclamation bonds should provide additional assurances that development does not result in unnecessary resource degradation.
- A better-informed public improving opportunity for pre-engagement in Forest Service decision-making and pathways for appeals.

Forest Service Manual 2710 – Special Uses Management; 2720 – Special Uses Administration

Forest Service Manuals (FSM) provide general guidance needed by agency line officers and primary staff to plan and execute programs and activities in compliance with statutes and regulations. FSM 2710 and 2720 for special uses include provisions that have been unevenly applied to proposals for energy projects on the national forest system. In support of the president’s executive order, the Agency will make the following changes to the manuals to remove barriers to energy development:



Action Plan:

- Complete Department clearances for 228 E and 228A and submit regulatory packages to the Office of Information and Regulatory Affairs (OIRA).
- Initiate changes to FSM 2710 and 2720, complete Department clearance and submit to OIRA for interagency review.
- The Department is determining which activities, programs, and operations are associated with the American Climate Corps MOU and should be terminated.
- The agency is reviewing any actions that were initiated as a result of rescinded EOs under this EO and ceasing work on those actions.
- The FS has stopped work on the Interagency Working Group on Social Cost of Carbon.
- The FS has frozen any/all expenditures of IRA and IJA funds in compliance with this EO.

RURAL DEVELOPMENT (RD):

Rural Development has reviewed regulations, policies and agency procedures to identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources. Below are RD's proposed actions to address undue burdens.

Proposed Actions:

1. Issue Staff Instruction to Comply with EO
 - Immediate
 - The Acting Deputy Undersecretary will issue a staff instruction to all RD Agencies and staff to fully incorporate the Presidentially Declared National Energy Emergency and the President's Executive Order on Unleashing American Energy and the President's Executive Order on the Cost-of-Living Crisis,

prioritizing funding decisions, streamlining procedures, enhancing customer service and financing of electric and energy infrastructure.

2. **b(5)DPP**

- Regulations Reviewed:
 - NEPA Regulations 7 CFR 1970, Subparts A-D and internal guidance instructions provided in RD Instructions E-O
 - NHPA Section 106 standard review process as codified in 36 CFR 800.3-800.6
- Immediate

b(5)DPP

- Within 90 days

(b) (5) DPP

- Longer-Ongoing

(b) (5) DPP

3. Expedite Processing of any Un-paused IRA applications and disbursements.

- Ongoing
 - o Upon the completion of the internal review of Inflation Reduction Act and Infrastructure Investment and Jobs Act disbursements required under the President's Executive Order on Unleashing American Energy and the adoption of conforming program rules, the RUS and RBCS will be **b(5)DPP**

Electric Program

4. Electric Program Actions
 - Immediate



Rural Energy for America Program (REAP)

5. REAP Actions
 - Ongoing
 - Streamline Existing REAP Grants Regulations to strengthen the program and support reduced energy costs and administrative burden for all program stakeholders.

Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program (9003)

6. Biorefinery, Renewable Chemical, and Biobased Product manufacturing Assistance Program Actions
 - Within 45 days

- Change filing to rolling enrollment, rather than a twice-a-year cycle. This allows applicants to choose to file when they are ready and allows for more immediate interaction with applicants and improve processing speed.

Building & Industry (B&I) and REAP Guarantee Programs

7. B&I and REAP Guarantee Programs Actions

- Within 90-days

(b) (5) DPP

- Longer

(b) (5) DPP

Technology Modernization Efforts

8. Technology Modernization Actions

- Ongoing
 - Continue to fund existing and future contracts for technology modernization efforts such as the REAP, PACE/New ERA application portal to maximize governmental efficiency and productivity. Coordinate within RD and USDA to focus IT investments on further automating funds disbursements, document production, reporting, monitoring, managerial visibility, data aggregation and improved customer experience.