
STOP THE DIRTY DEAL

Fast-tracked gas exports are a giveaway to the Big Oil and Gas Industry and undermine clean energy gains

Senator Manchin and Senator Barrasso's Energy Permitting Reform Act of 2024 would mirror many of the goals outlined in Trump's Project 2025 plan -- it guts bedrock environmental protections, endangers public health, opens up federal lands and waters to further oil and gas leasing, and fast-tracks and may even eliminate review of proposed gas export projects that harm communities and perpetuate the climate crisis. While the bill includes provisions that may accelerate the deployment of clean energy and the transmission infrastructure that is needed to support it, they should not be paired with giveaways to the fossil fuel industry. **This is a dirty deal, and we need Members of Congress to pledge right now to protect our climate and communities by opposing this fossil fuel giveaway.**

Gas Exports Undermine Clean Energy Progress

The US exports more liquefied methane gas (LNG) than any other country in the world and this supercooled gas spells big problems for the climate and air pollution in communities near export terminals. The gas industry gets permission to expand gas exports through a license to ship LNG from the Department of Energy (DOE). Licenses to export to countries with a free trade agreement (FTA) with the US are quickly approved, while licenses to non-free trade agreement countries require the DOE to determine whether the exports are in the public's interest.

Gas exports are already set to double by 2028, when facilities currently under construction come online. This is more than enough capacity to supply our allies in Europe. At the same time, the need for a transition to renewable energy is clear, and gas exports are having negative economic impacts on domestic energy consumers. LNG projects take years to build and then are permitted to operate for decades. That all makes it critical that the agencies that permit the expansion of additional gas exports have full authority to conduct a thorough review of a project using up-to-date analysis in order to determine whether new projects are in the public's interest. That includes fully understanding the impacts that more LNG exports would have on communities, consumers, and the climate.

This fossil fuel giveaway legislation would gut the process, limiting the ability of agencies to conduct a thorough review of gas export terminal proposals and automatically issuing approvals if they cannot meet the 90 day time limits for their review. For projects that are each equivalent to the emissions of dozens of coal fired power plants and lock us into decades of fossil fuel extraction, we cannot short change the critical analysis that federal agencies provide, nor the ability of communities to challenge approval of these facilities that will pollute their homes for generations.

Current review process for LNG infrastructure and exports:

The primary permitting agencies for a proposed LNG export terminal are the Federal Energy Regulatory Commission (FERC), as the lead agency, and the Department of Energy (DOE). FERC is charged with conducting an environmental review, as required by the National Environmental Protection Act (NEPA), and authorizing the siting and construction of onshore export terminals, while the DOE determines whether the exports are in the public interest. The DOE waits to conduct its analysis until FERC prepares and releases the Final Environmental Impact Statement from the NEPA review. Approval of the license to export to FTA countries is automatic and is not subject to legal challenges. The review of an application to ship to non-FTA countries, however, requires in-depth analysis of the economic and climate impacts, as well as the potential harms to human health and the environment. If a project is found to not be counter to the public interest, the DOE will grant a license, which is subject to legal challenge.

In January 2024, White House and DOE officials announced that DOE would pause the review of current and future applications for licenses to export to non-FTA countries in order to update the analysis it uses to determine what is in the public's interest. Specifically, the DOE is updating its reports on the economic implications of more gas exports as well as the disparate impacts that LNG export terminals have on low-income communities of color, also known as Environmental Justice Communities. It is vital that the DOE take this time to update its own analysis and the criteria it uses in determining what is in the public's interest, and that DOE have the freedom to conduct such reviews when needed.

What the Energy Permitting Reform Act of 2024 would do:

- Require DOE to issue its decision on LNG export authorizations within 90 days of FERC issuing the FEIS.
Why is this a problem?
 - These reviews typically require 6+ months to complete. Expecting DOE to fully digest the FEIS within 90 days is unreasonable. **This bill treats DOE non-FTA reviews that exceed 90 days post FEIS the same as we currently treat FTA approvals, automatically approving them if DOE has not come to a decision.**
 - Without enough time to assess the full scope of the environmental, community, and economic harms of exports, DOE could be forced to approve export applications. **For projects where DOE exceeds the 90-day timeline, the legislation's automatic approval provision also effectively removes the requirement that exports that are contrary to the public interest be rejected and does so in a manner that insulates all such approvals from judicial review.**
 - For some projects with applications pending at DOE that already have final NEPA analysis, the bill would force DOE to decide the permits **within 90 days of enactment**, including the controversial CP2 LNG project, this is the largest LNG facility ever proposed, as well as at least four other major LNG projects (Commonwealth LNG, Port Arthur Phase 2, Magnolia, and Lake Charles LNG). These facilities would be likely to be approved given current DOE analysis using the outdated studies.
- Require DOE to utilize outdated Trump-era studies to evaluate rushed export applications unless/until updated studies DOE has been working on are finished. **Why is this a problem?**
 - In January, the Biden DOE stated that it was temporarily pausing approvals of non-FTA authorizations because the studies that Trump's DOE pushed through in 2018 and 2019 are woefully inaccurate and obsolete, meaning DOE does not have the information it needs to make informed decisions about whether LNG exports are in the public interest using those studies.
 - In the meantime, DOE has been updating its studies on the impacts of LNG to inform whether or not new LNG exports are in the public interest. These studies are not expected to be released until the first quarter of 2025. If this bill was passed and signed into law prior to January 2025, it would force DOE to review [at least 5 major new LNG export authorizations](#) on a 90-day clock based on outdated studies.
 - [These provisions alone could lock in new annual greenhouse gas emissions equivalent to 165 coal-fired power plants](#) and the potential to lock in additional hundreds of millions of tons of climate pollution each year for decades to come.
 - Currently, DOE reviews applications on a rolling basis, moving on timelines that interact with other permitting agency reviews and allow for the necessary full analysis of the application rather than on an arbitrary timeline.

Does this bill matter if passed under a different administration?

- The impacts of this law would live beyond the current administration, changing the landscape of DOE's review for LNG exports completely. If, under a different administration, DOE refused to act to review an application, it would be deemed automatically approved after 90 days and without a record or basis on which to challenge an approval. This would effectively render the entire review process moot and rubber stamp the project.
- Being forced to use outdated studies within a 90-day window would make it exceptionally difficult for DOE to do an adequate analysis of an LNG export project to determine if it is in the public interest.

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