



The Manchin-Barrasso Permitting Bill

Assessing the Climate Impacts of the LNG Title

July 25, 2024

On July 22, Senators Manchin and Barrasso released the [Energy Permitting Reform Act](#). The Senate Energy and Natural Resources Committee will [meet](#) on the bill on July 31.

This analysis examines the climate impacts of Title VI, “Liquefied Natural Gas Exports,” based on the 2023 study, [Status of U.S. LNG Export Permits and Associated Greenhouse Gas Emissions](#). Approval of new LNG licenses would also increase energy bills for American families and businesses and transfer wealth from energy consumers in the Midwest, Mid-Atlantic, New England, and other regions to oil and gas companies in gas producing states (see more on this topic [here](#)). These approvals would also further marginalize the fenceline communities most impacted by these projects (see [this landmark report](#) on the cumulative environmental impacts of proposed LNG projects).

Top Findings

If enacted, Title VI of the Manchin-Barrasso bill would:

- (1) Implement the LNG recommendations of Project 2025
- (2) Lock in new greenhouse gas emissions equivalent to 165 coal-fired power plants or more
- (3) Roll back the clock to Trump-era climate math in order to circumvent US climate commitments
- (4) Erase the climate benefits of building 50 major renewable electricity transmission lines

What The Bill Does¹

- Mandates that the Secretary of Energy approve or deny all pending and future applications to export liquefied natural gas (LNG) from the U.S. to non-Free Trade Agreement countries within 90 days of the date that the Federal Energy Regulatory Commission (FERC) or the Maritime Administration, as applicable, publishes the final environmental review document under the National Environmental Policy Act (NEPA) for the exporting facility.²

¹ The bullets in this section are excerpts are from the Manchin-Barrasso bill summary, truncated for length. The full summary is [here](#) and the full bill text is [here](#).

² The bill requires these decisions within 90 days of enactment for projects that have already passed this NEPA benchmark. There is a similar provision applying to LNG permits for gas piped to Mexico or Canada where it is converted to LNG, and a similar 90-day clock for applications to extend previously issued permits.

- If the Secretary fails to approve or deny any of the applications described above within the applicable 90-day timeline, the application is deemed approved.
- Requires any supplemental review initiated after January 26, 2024, to go through public notice and comment and comply with Information Quality Act peer review requirements.³
- Requires the Secretary to rely on the existing studies unless and until a supplemental review is finalized and implemented by the Secretary.⁴

Why It Matters

In January, DOE announced the Biden-Harris administration is [updating DOE's studies](#) on the climate change and economic impacts of LNG expansion before approving any new LNG permits. On February 8, 2024, DOE Deputy Secretary David Turk [testified](#) at length before the Senate Energy and Natural Resources Committee on the "transformational changes" that have occurred since 2018, necessitating DOE's new LNG studies.⁵ In July, the White House reaffirmed these plans despite legal attacks from industry and Republican Attorneys General, [stating](#): "We remain committed to informing our decisions with the best available economic and environmental analysis, underpinned by sound science."

Various arguments are being put forward in support of the Manchin-Barrasso bill to suggest that these provisions are not consequential, especially in light of the upcoming elections. These arguments fail a pretty basic legislative logic test. If they don't matter, they wouldn't be in the bill. The carefully crafted legislative language is designed to ensure specific LNG projects currently pending at DOE are approved.

The purpose of these provisions is to force DOE to make permit decisions quickly while restricting DOE to outdated, Trump-era studies that will ensure the projects are approved. DOE has never disapproved an LNG project based on the prior studies, and any administration would have substantially higher legal risk if they tried to deny a permit under the rules set forth in this bill. The bill also adds procedural hurdles to enable the oil and gas industry and their allies to tie the new studies up in court. **The longer they can delay the new studies, the more LNG project approvals they can force through DOE while the Department is under a mandate to use outdated studies.**

If Trump is elected, Title VI would still have significant impacts. The bill would allow Trump's Secretary of Energy to wait out the 90-day clock, after which this legislation would deem the LNG export application to be approved. This legislative intervention essentially eliminates judicial review and forces FERC into a legislated rubber-stamping role, no matter how egregious a project might be due to safety or environmental justice concerns.⁶ This is intended to nullify, for example, the DC

³ This is a reference to the greenhouse gas and economic LNG studies DOE is currently undertaking.

⁴ These are spelled out in the bill as the 2018 economic study and the 2019 greenhouse gas studies.

⁵ Testimony except: "This most recent analytical update is a necessary and prudent action that will ensure the most up-to-date macroeconomic and environmental analyses are being utilized for our public interest determinations, especially in light of transformational changes since 2018."

⁶ DOE is responsible for permitting the volume of LNG, but FERC has sole responsibility to assess and permit each individual project and facility.

Circuit court's [recent decision](#) that FERC had failed to properly account for greenhouse gases and the cumulative toxic impacts on fenceline communities when assessing the Commonwealth LNG project.

Detailed Findings

(1) Title VI of the Manchin-Barrasso bill implements the LNG recommendations of Project 2025

- [Project 2025](#) calls for eliminating “climate-change interference in DOE approvals of liquefied natural gas (LNG) exports.” (p. 369) In other words, the authors want to eliminate consideration of climate change when DOE decides whether or not to approve new LNG applications.
- The problem they face is that the Natural Gas Act requires DOE to make determine whether each application is in the “public interest,” and the courts have held that this includes assessing climate impacts. The oil and gas lobby has especially opposed DOE’s new climate study because the facts are clear that LNG expansion will make climate change worse and make it harder to reach US and global climate commitments.⁷
- The Manchin-Barrasso bill (Sec. 602) would eliminate this so-called “climate-change interference” by mandating that DOE turn back the clock to enforce willful ignorance of climate impacts. The legislation orders DOE to decide a number of pending LNG projects using a 2019 climate study produced by DOE under President Donald Trump and Secretary of Energy Rick Perry. By mandating the use of this report, the bill is trying to lock in the Trump administration’s determination that LNG exports “do not increase global GHG emissions from a life cycle perspective.”⁸

(2) Title VI of the Manchin-Barrasso bill would lock in new greenhouse gas emissions equivalent to 165 coal-fired power plants or more

- If enacted, the bill would force DOE to decide on a number of permits within 90 days of enactment, including the controversial CP2 LNG project, which would be 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) whose applications are

⁷ For example, in December, 2023, 170 climate scientists [wrote](#) to President Biden: “If all U.S. projects in the permitting pipeline are approved, they could lead to 3.9 billion tons of greenhouse gas emissions annually, which is larger than the entire annual emissions of the European Union. A forthcoming study by Cornell University climate scientist Robert Howarth shows that, even in the best-case scenarios, LNG is at least 24 percent worse for the climate than coal. Increasing LNG exports will mean increased extraction of fossil fuels and climate pollution and directs us away from a renewable energy future.”

⁸ See for example DOE’s [Rio Grande LNG Order No. 4492](#), February 2020, pg. 17.

pending at DOE and have final NEPA analysis.

- Combined, these 5 projects would add an additional 10.5 billion cubic feet per day (Bcf/d) of new capacity above the 14.3 Bcf/d already in operation and 12.0 Bcf/d already under construction. In other words, the five facilities implicated would represent a 40% increase above the current capacity that is in operation or under construction.
- The lifecycle emissions from the LNG processed by these five projects would be 616 million metric tons CO₂e annually, equivalent to 165 coal-fired power plants.⁹
- If Title VI of the Manchin-Barrasso is enacted, DOE would be forced to ignore these staggering climate impacts.

(3) Title VI of the Manchin-Barrasso bill would roll back the clock to Trump-era climate math in order to circumvent US climate commitments

- DOE's 2019 greenhouse gas report was issued after President Trump had withdrawn the US from the Paris climate agreement. By turning back the clock, the Manchin-Barrasso bill is trying to position LNG approvals outside of the Biden-Harris administration's climate commitments to reduce greenhouse gas emissions and pursue a global phase down of fossil fuels.

(4) Title VI of the Manchin-Barrasso bill undermines the potential emission reductions from renewal energy electricity transmission projects

- The scale of the proposed expansion of gas exports is enormous and directly undermines the GHG benefits of renewable energy projects. The climate benefits from renewable electricity and transmission projects only if fossil fuels that they displace are not burned elsewhere. But expanding LNG exports ensures that this displaced gas is shipped to other parts of the world, offsetting the emissions gains made domestically.
- The lifecycle emissions of the five LNG projects implicated by this provision would negate the emissions benefits from 50 major clean electricity transmission projects (each carrying 3,000 MW of renewable electricity).¹⁰

⁹ Symons Public Affairs, "[Status of U.S. LNG Export Permits and Associated Greenhouse Gas Emissions](#)," p. 23.

¹⁰ For example, the TransWest Express Transmission Project is a 3,000 MW, high-voltage interregional transmission line that will deliver renewable energy from Wyoming to southern Nevada. According to [BLM's EIS](#) (p. 5-22), the TransWest Express transmission line could reduce GHG emissions by 12.2 million tons (CO₂e) annually, resulting in a savings of approximately 16,000 GWh of power production from fossil fuels on an annual basis. In comparison, the lifecycle GHG emissions of CP2 would be 231 million tons (CO₂e) annually – 18 times as high. The emissions of all five LNG projects in this analysis would be 616 million tons annually, 50 times as high.