

From: "Schilling, Nicholas (OLP)" <(b) (6)>
To: "Weekly Leadership Reports (ODAG)" <(b) (6)>
Cc: "Fox, Jordan (ODAG)" <(b) (6)>, "McDonald, Colin (ODAG)" <(b) (6)>, "Day, Sean C. (OAG)" <(b) (6)>, "Diggs, Mary E. (ODAG)" <(b) (6)>

Subject: OLP Weekly Component Chart for ODAG April 24, 2025

Date: Thu, 24 Apr 2025 11:21:45 -0400

Importance: Normal

Attachments: 2025.04.24_Final_Weekly_Leadership_Report_-_OLP.pdf

Good morning,

Attached is OLP's weekly component chart.

Nicholas Schilling Jr.

U. S. Department of Justice

Office of Legal Policy, Chief of Staff

(b) (6)

Cell: (b) (6)

OLP 4/24/2025	Weekly Component Chart <i>Internal / FOUO</i>
Date Occurred or Expected	Items to Report

Removed per scoping agreement

Removed per scoping agreement

4/24/2025

Implementing President Trump's EO 14260, *Protecting American Energy from State Overreach*: OLP AAG plans to meet with acting head of ENRD to discuss report the EO required the Attorney General to produce by 6/7/2025.

Removed per scoping agreement

From: "Schilling, Nicholas (OLP)" <(b) (6)>
To: "Weekly Leadership Reports (ODAG)" <(b) (6)>
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Subject: OLP Weekly Component Chart for ODAG May 1, 2025

Date: Thu, 01 May 2025 19:17:30 -0400

Importance: Normal

Attachments: 2025.05.01_Final_Weekly_Leadership_Report_-_OLP.pdf

Attached is OLP's weekly component chart.

Thank you for your patience,

Nicholas Schilling Jr.

U.S. Department of Justice

Office of Legal Policy, Chief of Staff

(b) (6)

Cell: (b) (6)

OLP 5/1/2025	Weekly Component Chart <i>Internal / FOUO</i>
Date Occurred or Expected	Items to Report
4/24/2025	Implementing President Trump's EO 14260, <i>Protecting American Energy from State Overreach</i> : OLP AAG met with acting head of ENRD to discuss report the EO required the Attorney General to produce by 6/7/2025.

Removed per scoping agreement

From: "Schilling, Nicholas (OLP)" <(b) (6)>
To: "Weekly Leadership Reports (ODAG)" <(b) (6)>
Cc: "Fox, Jordan (ODAG)" <(b) (6)>, "Jag, Rachel (ODAG)" <(b) (6)>, "Nieves, Brian (ODAG)" <(b) (6)>, "Day, Sean C. (OAG)" <(b) (6)>

Subject: OLP Weekly Component Chart for ODAG - May 22, 2025

Date: Thu, 22 May 2025 13:20:40 -0400

Importance: Normal

Attachments: 2025.05.22_Final_Weekly_Leadership_Report_-_OLP_-_Copy.pdf

Good afternoon,

Attached is OLP's weekly component chart.

Nicholas Schilling Jr.

U.S. Department of Justice

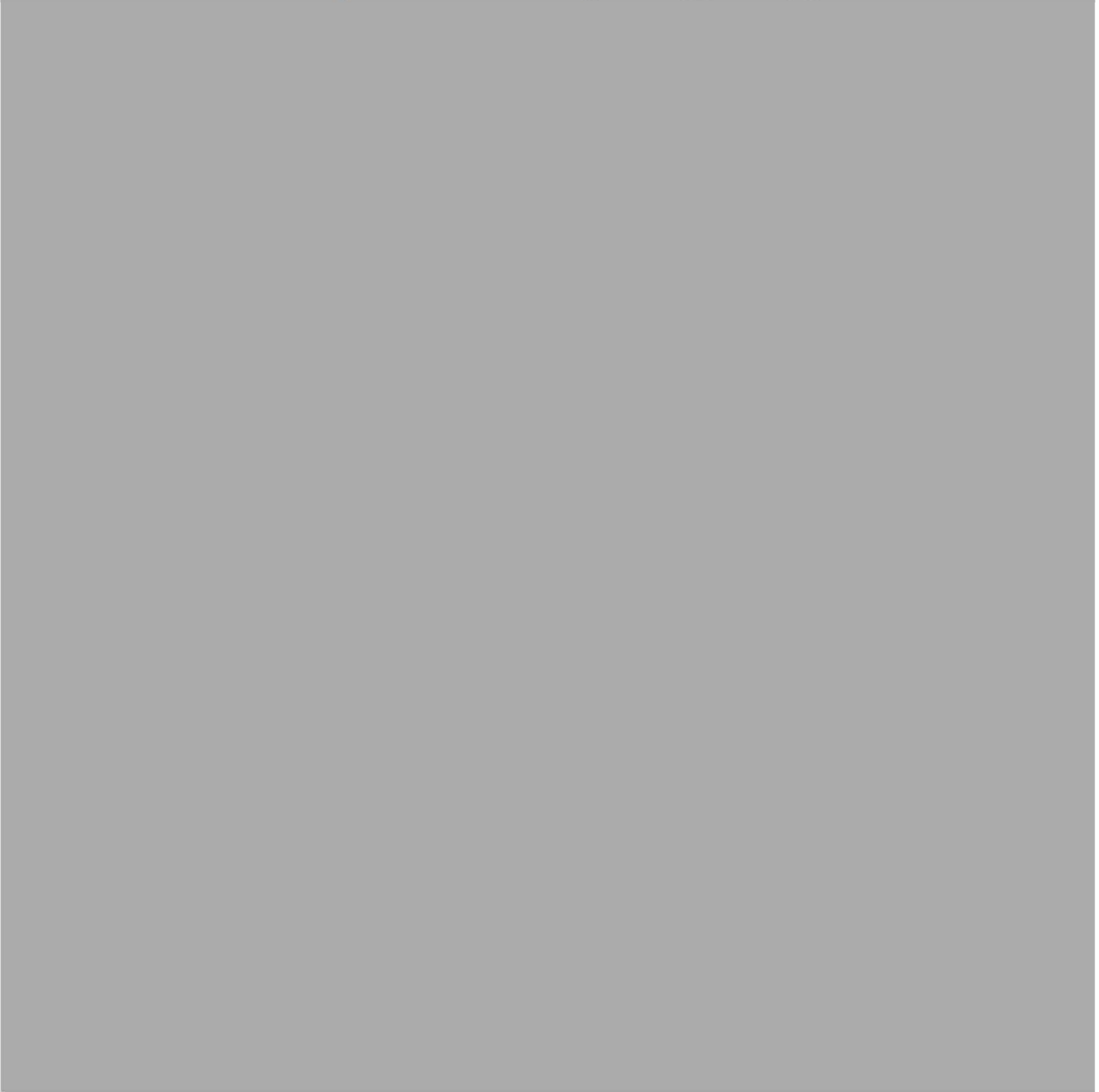
Office of Legal Policy, Chief of Staff

(b) (6)

Cell: (b) (6)

OLP 5/22/2025	Weekly Component Chart <i>Internal / FOUO</i>
Date Occurred or Expected	Items to Report

Removed per scoping agreement



Removed per scoping agreement

5/23/2025	EO 14260 Protecting American Energy from State Overreach: OLP anticipating (b) (5).
5/23/2025	Collecting Data for President Trump's EO 14281, <i>Restoring Equality of Opportunity and Meritocracy</i>: OLP drafted a responsive report; DAG signed on 5/19/2025; pending with AG for signature. Deadline to transmit to President is 5/23/2025

Removed per scoping agreement

From: (b)(6) per ENRD (ENRD)" <(b) (6)>
To: "Washington, Tracy T. (OASG)" <(b) (6)>, "Manion, Jason (OAG)" <(b) (6)>
Cc: "Gustafson, Adam (ENRD)" <(b) (6)>, "Heminger, Justin (ENRD)" <(b) (6)>, "Harvey, Judy (ENRD)" <(b) (6)>, (b)(6) per ENRD (ENRD)" <(b) (6)>

Subject: ECATS-2025-389423

Date: Fri, 20 Jun 2025 12:17:25 -0400

Importance: Normal

Attachments: ECATS-2025-389423_ENRD_Action_Memo_to_OAG_Approval_of_EO_14260_Report_on_State_Overreach.pdf

Good afternoon OASG team,

Attached is a package regarding: Approval for Report on Protecting American Energy from State Overreach, Executive Order 14260 (Apr. 8, 2025). The package was sent to ExecSec via ECATS, assigned ECATS-2025-389423. The requested date of approval is July 7, 2025. Thank you!

V/r,

(b)(6) per ENRD

~~Staff Assistant~~

Environment and Natural Resources Division

US Department of Justice

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U.S. Department of Justice

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MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

FROM: Adam Gustafson **AG**
Acting Assistant Attorney General
Environment & Natural Resources Division

SUBJECT: Approval for Report on Protecting American Energy from State Overreach,
Executive Order 14260 (Apr. 8, 2025)

PURPOSE: To obtain the approval of the Attorney General for the attached draft report.

AG DECISION REQUESTED BY: We request an approval decision by July 7, 2025.

EXECUTIVE SUMMARY: Executive Order 14260 (EO 14260), entitled “Protecting American Energy from State Overreach,” directs the Attorney General to submit a report to the President regarding the Department of Justice’s actions to implement the Order and to recommend any Presidential or legislative action needed to address illegal state overreach into energy regulation. The Environment and Natural Resources Division (ENRD), with input from the Civil Division and the Office of Legal Policy, drafted the attached report (“draft Report”) to fulfill these requirements and recommends that the Attorney General approve its submission to the White House.

DISCUSSION: From the first day of this Administration, President Trump made clear that “it is in the national interest to unleash America’s affordable and reliable energy and natural resources.” Executive Order 14154 (Jan. 20, 2025). On April 8, 2025, the President issued EO 14260 to prevent states from unlawfully interfering with this policy. Section 1 of the Order explains that State and local governments “threaten American energy dominance and our economic and national security” when they “regulate energy beyond their constitutional or statutory authorities.” The Section concludes that these State laws and policies are “fundamentally irreconcilable with [this] Administration’s objective to unleash American energy” and “should not stand.” Section 2(a) of EO 14260 directs the Attorney General to “identify all State and local laws,

Subject: Approval of Report on Protecting American Energy from State Overreach, per EO 14260

regulations, causes of action, policies, and practices (collectively, State laws) burdening the identification, development, siting, production, or use of domestic energy resources that are or may be unconstitutional, preempted by Federal law, or otherwise unenforceable,” prioritizing those laws related to “climate change,” “environmental justice,” and related matters.

In Section 2(b), the Order directs the Attorney General to “expeditiously take all appropriate action” to stop States from enforcing those laws or pursuing those actions “that the Attorney General determines to be illegal.”

Section 2(c) of the Order further directs the Attorney General to “submit a report to the President, through the Counsel to the President, regarding actions taken under subsection (b) of this section” within 60 days of the date of the Order. In addition, Section 2(c) requires the Attorney General to “recommend any additional Presidential or legislative action” needed to stop the enforcement of illegal State laws identified under subsection 2(a) or to “otherwise fulfill the purpose of this order.”

ENRD prepared the attached draft Report, with input from the Office of Legal Policy and the Civil Division, in accordance with Section 2(c) of the Order. The draft Report (b) (5)

[REDACTED]

On June 6, 2025, (b) (5)

[REDACTED]

The draft Report includes discussion of litigation strategy and is not intended for public dissemination, even when it is approved and finalized. (b) (5)

[REDACTED]

CONSULTATION: ENRD, OLP, CIV.

OTHER STAKEHOLDERS: NONE.

RECOMMENDATION: ENRD recommends and requests that the Attorney General approve the attached draft Report, which was prepared in compliance with EO 14260.

Subject: Approval of Report on Protecting American Energy from State Overreach, per EO 14260

APPROVE: _____ Concurring Component(s): None

DISAPPROVE: _____ Non-Concurring Component(s): None

OTHER: _____

Attachments:

Tab A: Draft Report of the Attorney General under Executive Order 14260 (not intended for public release)

Tab B: Draft Public Fact Sheet on Report under Executive Order 14260

Tab C: Executive Order 14260, *Protecting American Energy from State Overreach* (Apr. 8, 2025).

TAB A

TAB B

TAB C



EXECUTIVE ORDER
14260
- - - - -

PROTECTING AMERICAN ENERGY FROM STATE OVERREACH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. My Administration is committed to unleashing American energy, especially through the removal of all illegitimate impediments to the identification, development, siting, production, investment in, or use of domestic energy resources -- particularly oil, natural gas, coal, hydropower, geothermal, biofuel, critical mineral, and nuclear energy resources. An affordable and reliable domestic energy supply is essential to the national and economic security of the United States, as well as our foreign policy. Simply put, Americans are better off when the United States is energy dominant.

American energy dominance is threatened when State and local governments seek to regulate energy beyond their constitutional or statutory authorities. For example, when States target or discriminate against out-of-State energy producers by imposing significant barriers to interstate and international trade, American energy suffers, and the equality of each State enshrined by the Constitution is undermined. Similarly, when States subject energy producers to arbitrary or excessive fines through retroactive penalties or seek to control

dominance and our economic and national security. New York, for example, enacted a "climate change" extortion law that seeks to retroactively impose billions in fines (erroneously labelled "compensatory payments") on traditional energy producers for their purported past contributions to greenhouse gas emissions not only in New York but also anywhere in the United States and the world. Vermont similarly extorts energy producers for alleged past contributions to greenhouse gas emissions anywhere in the United States or the globe.

Other States have taken different approaches in an effort to dictate national energy policy. California, for example, punishes carbon use by adopting impossible caps on the amount of carbon businesses may use, all but forcing businesses to pay large sums to "trade" carbon credits to meet California's radical requirements. Some States delay review of permit applications to produce energy, creating de facto barriers to entry in the energy market. States have also sued energy companies for supposed "climate change" harm under nuisance or other tort regimes that could result in crippling damages.

These State laws and policies weaken our national security and devastate Americans by driving up energy costs for families coast-to-coast, despite some of these families not living or voting in States with these crippling policies. These laws and policies also undermine Federalism by projecting the regulatory preferences of a few States into all States. Americans must be permitted to heat their homes, fuel their cars, and have peace

the equality of States; and retroactively impose arbitrary and excessive fines without legitimate justification.

These State laws and policies are fundamentally irreconcilable with my Administration's objective to unleash American energy. They should not stand.

Sec. 2. State Laws and Causes of Action. (a) The Attorney General, in consultation with the heads of appropriate executive departments and agencies, shall identify all State and local laws, regulations, causes of action, policies, and practices (collectively, State laws) burdening the identification, development, siting, production, or use of domestic energy resources that are or may be unconstitutional, preempted by Federal law, or otherwise unenforceable. The Attorney General shall prioritize the identification of any such State laws purporting to address "climate change" or involving "environmental, social, and governance" initiatives, "environmental justice," carbon or "greenhouse gas" emissions, and funds to collect carbon penalties or carbon taxes.

(b) The Attorney General shall expeditiously take all appropriate action to stop the enforcement of State laws and continuation of civil actions identified in subsection (a) of this section that the Attorney General determines to be illegal.

(c) Within 60 days of the date of this order, the Attorney General shall submit a report to the President, through the Counsel to the President, regarding actions taken under

subsection (b) of this section. The Attorney General shall also

Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

April 8, 2025.

[FR Doc. 2025-06379 Filed: 4/11/2025 8:45 am; Publication Date: 4/14/2025]