

**Department of the Treasury**  
**Executive Order 13783 – Final Report**

Executive Order 13783 seeks to reduce regulatory burdens that needlessly encumber domestic energy production, constrain economic growth, and prevent job creation. Section 2(a) of the Order requires the head of each executive agency to review the agency's existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

As required by section 2(c) of the Order, this final report details the Department's efforts to identify agency actions that burden domestic energy production.

**Review Conducted**

The Department has reviewed actions across all of its bureaus and offices to determine whether any such action falls within the requirements of Executive Order 13783. Agency actions reviewed consistent with the Order include regulations, orders, guidance documents, policies, grant programs, information collections under the Paperwork Reduction Act, and similar actions. Particular attention was focused on the IRS and offices within the Departmental Offices that have a policy interest in energy-related matters.

The Department solicited public and stakeholder input through a solicitation of comments published in the *Federal Register*. Treasury received nine public comments in response to the request for information. Only one of the public comments identified a specific Treasury action for review. That comment urged the IRS to maintain existing notices on production tax credits under section 45 of the Internal Revenue Code for the generation of electricity from wind energy and several other generation technologies.

Beyond public comments, Treasury offices and bureaus reviewed regulations and other actions that could potentially affect energy interests. The IRS identified numerous regulations and other actions that provide guidance relating to statutory tax credits, deductions, and other special tax provisions applicable to various energy sources and industries. Based on review by IRS and Treasury's Office of Tax Policy, none of those regulations or other actions impose burdens identified by the Order that administrative action could alleviate.

Other bureaus and offices did not identify any actions or regulations subject or potentially subject to the Order. The Department will, however, continue to study the policies and guidance across its bureaus in order to ensure that it has identified any and all opportunities to address the burdens covered by Executive Order 13783.

## **Actions Pending or Complete**

1. *Guidance on Refined Coal Transactions.* Some industry participants have expressed that they are unsure as to whether the IRS will respect their refined coal transactions for purposes of determining eligibility for the tax credit under Internal Revenue Code Section 45.

The Department and the IRS are aware of these concerns. We are currently developing guidance to provide greater clarity on eligibility to claim the credit. It is anticipated that such guidance will provide taxpayers with factors, both positive and negative, that will better allow them to evaluate their eligibility for credits, and the guidance may also provide illustrative examples.

2. *MDB Guidance.* Although the Order's focus is on domestic energy measures, Treasury notes that it has issued new guidance to U.S. Executive Directors (USEDs) at the Multilateral Development Banks (MDBs) to ensure that U.S. engagement on MDB energy projects and policies in developing countries is guided by the Administration's policy goals with respect to energy production. The guidance is available at: <https://www.treasury.gov/resource-center/international/development-banks/Pages/guidance.aspx>.

If upon further review the Department identifies opportunities to alleviate burdens to the development or use of domestically produced energy resources as required by Executive Order 13783, we will evaluate the effectiveness of the actions reviewed under this plan using both quantitative and qualitative methods, applying the principles outlined in OMB Circular A-4, and will work with the Office of Information and Regulatory Affairs to effectuate the necessary revisions. Regulations identified under this review will also be reviewed by the Department's Regulatory Reform Task Force.