

United States Senate  
WASHINGTON, DC 20510

December 19, 2024

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC, 20007

President Biden:

Since day one, you have delivered on your commitment to take the bold, transformative action we need to address the climate crisis and chart a path toward a safer, cleaner energy future for all Americans. Through historic investments in the Inflation Reduction Act, Infrastructure Law, and CHIPS and Science Act, the United States has become a global leader in the fight against climate change, all while boosting our economy with billions of dollars in private sector investments and hundreds of thousands of good-paying clean energy jobs.

As you cement your legacy to be the nation's greatest climate president, we urge you to use your authority designated under 12(a) of the Outer Continental Shelf Lands Act (OCSLA) to permanently withdraw unleased and at-risk areas of the Outer Continental Shelf (OCS) from fossil fuel development. These coastal waters are too economically and ecologically important to drill, and our coastal communities deserve protection from the known dangers posed by offshore drilling.

In January 2018, then-President Trump published a draft five-year plan for offshore oil and gas development, which opened more than 90 percent of the OCS to oil and gas leasing, including the Atlantic, Pacific, and Arctic coasts, as well as the Gulf of Mexico.<sup>1</sup> Fortunately, that plan was stopped by the courts amid intense public and bipartisan backlash, but the risk to these vulnerable areas is now higher than ever – unless you enact permanent protections.

Section 12(a) of OCSLA states that “the President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the Outer Continental

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<sup>1</sup> Federal Register, Notice of Availability of the 2019-2024 draft proposed outer continental shelf oil and gas leasing, January 8, 2018 <https://www.federalregister.gov/documents/2018/01/08/2018-00083/notice-of-availability-of-the-2019-2024-draft-proposed-outer-continental-shelf-oil-and-gas-leasing>

Shelf.” Since 2014, every administration has used this authority to prevent offshore oil and gas drilling in key areas, including portions of the Atlantic, Pacific, and Arctic Oceans, as well as the Gulf of Mexico.

December 2014: President Obama withdrew the North Aleutian Basin Planning Area in the Arctic Ocean without expiration.<sup>2</sup>

December 2016: President Obama withdrew areas of the Arctic Ocean within the Bering Sea Climate Resilience Area without expiration.<sup>3</sup>

December 2016: President Obama withdrew the Chukchi Sea and a portion of the Beaufort Sea Planning Area in the Arctic Ocean without expiration.<sup>4</sup>

December 2016: President Obama withdrew areas known as the Atlantic Canyons in the North and Mid-Atlantic Planning Areas without expiration.<sup>5</sup>

September 2020: President Trump withdrew the South Atlantic and Straits of Florida Planning Areas,<sup>6</sup> the North Carolina portion of the Mid-Atlantic Planning Area,<sup>7</sup> and portions of the Central and Eastern Gulf of Mexico Planning Areas until 2032.<sup>8</sup>

January 2021: Your administration reinstated the Bering Sea Climate Resilience Area withdrawals, originally adopted by President Obama but revoked by President Trump.<sup>9</sup>

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<sup>2</sup> Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, December 16, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/16/presidential-memorandum-withdrawal-certain-areas-united-states-outer-con>

<sup>3</sup> Executive Order – Northern Bering Sea Climate Resilience, December 9, 2016 <https://obamawhitehouse.archives.gov/the-press-office/2016/12/09/executive-order-northern-bering-sea-climate-resilience>

<sup>4</sup> Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, December 20, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/12/20/presidential-memorandum-withdrawal-certain-portions-united-states-arctic>

<sup>5</sup> Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf from Mineral Leasing, December 20, 2016 <https://obamawhitehouse.archives.gov/the-press-office/2016/12/20/presidential-memorandum-withdrawal-certain-areas-atlantic-coast-outer>

<sup>6</sup> Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition, September 8, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-withdrawal-certain-areas-united-states-outer-continental-shelf-leasing-disposition/>

<sup>7</sup> Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition, September 25, 2020, [https://urldefense.com/v3/\\_https://www.govinfo.gov/content/pkg/DCPD-202000726/pdf/DCPD-202000726.pdf\\_!!Bg5easoyC-OII2vIEqY8mTBrtW-N4QJKAQ!Jz1DMfEOhS9VV-bCETMyN\\_J4axYkF1\\_xxctYbVCruhGzdTUHdce\\_77EIG7He\\_lwfBe6Ba4oksFV3OcAsyn2QQ3Fyow\\$](https://urldefense.com/v3/_https://www.govinfo.gov/content/pkg/DCPD-202000726/pdf/DCPD-202000726.pdf_!!Bg5easoyC-OII2vIEqY8mTBrtW-N4QJKAQ!Jz1DMfEOhS9VV-bCETMyN_J4axYkF1_xxctYbVCruhGzdTUHdce_77EIG7He_lwfBe6Ba4oksFV3OcAsyn2QQ3Fyow$)

<sup>8</sup> Memorandum on the Withdrawal of Certain Area of the United States Outer Continental Shelf from Leasing Disposition, September 8, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-determination-withdrawal-certain-areas-united-states-outer-continental-shelf-leasing-disposition/>

<sup>9</sup> Executive Order 13990, January 20, 2021, <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

March 2023: Your administration withdrew the remaining portion of the Beaufort Sea Planning Area in the Arctic Ocean without expiration.<sup>10</sup>

Presidential withdrawals under 12(a) have not been successfully challenged in court. In 2017, President Trump reversed President Obama’s Arctic and Atlantic withdrawals, but Judge Sharon Gleason of the District Court for Alaska determined that 12(a) does not give the president authority to revoke prior withdrawals.<sup>11</sup> **A large-scale withdrawal of the Atlantic, Pacific, and Eastern Gulf from fossil fuel development while maintaining the development of renewable energy solutions would provide durable protections for these critical areas.**

In addition to the major impacts of fossil fuel development on climate change, offshore oil spills are responsible for some of the worst environmental disasters in our country’s history. Thousands of unplugged wells and abandoned drilling equipment also put coastal waters and communities in harm’s way.<sup>12</sup> Meanwhile, oil and gas companies continue to saddle the American people with environmental and climate consequences, public health risks, and billions of dollars in cleanup costs. The fossil fuel industry’s record-level profits and multi-million dollar raises for CEOs demonstrate their actions are not about securing “energy independence.” What’s more, the continued proliferation of fossil fuels undermines our ability to fulfil our global climate commitments and limit warming to 1.5° C, endangering our coastlines and coastal communities, and costing American taxpayers.

Protecting our waters from offshore drilling is widely popular, with nearly two-thirds of registered voters expressing support.<sup>13</sup> More than 390 municipalities across the Atlantic, Pacific, and Gulf coasts have formally opposed the expansion of offshore drilling.<sup>14</sup>

We have long fought for permanent protection from offshore oil and gas drilling for our communities, and for the clean energy future we need. We greatly appreciate your careful consideration of this letter and working to take action to protect our communities for generations to come.

Sincerely,

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<sup>10</sup> Biden-Harris Administration Announces Sweeping Protections for Up To 16 Million Acres of Land and Water in Alaska, March 12, 2023 <https://www.doi.gov/pressreleases/biden-harris-administration-announces-sweeping-protections-16-million-acres-land-and#:~:text=Using%20his%20authority%20under%20Section,future%20oil%20and%20gas%20leasing>.

<sup>11</sup> Alaska v. United States Dep’t of the Interior, March 9, 2023 <https://casetext.com/case/alaska-v-united-states-dept-of-the-interior>

<sup>12</sup> U.S. Government Accountability Office, Oil and Gas Pipelines: Agencies Should Improve Oversight of Decommissioning, February 20, 2024, <https://www.gao.gov/products/gao-24-10444>

<sup>13</sup> Ipsos, Oceana Offshore Drilling Survey, July 2024, <https://www.ipsos.com/en-us/oceana-offshore-drilling-survey>

<sup>14</sup> Oceana, Pacific Drilling <https://usa.oceana.org/pacific-drilling/>



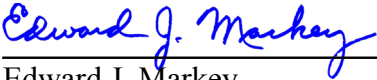
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Cory A. Booker  
United States Senator



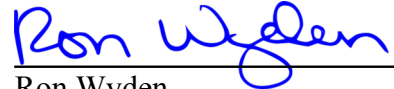
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Adam Schiff  
United States Senator



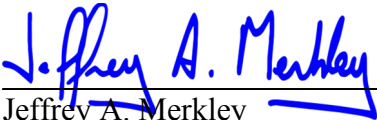
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Edward J. Markey  
United States Senator



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Ron Wyden  
United States Senator



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Jeffrey A. Merkley  
United States Senator



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Bernard Sanders  
United States Senator



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Andy Kim  
United States Senator



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Sheldon Whitehouse  
United States Senator



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Jack Reed  
United States Senator