

# Executive Order on Banning New Fossil Fuel Leasing and Permitting on Public Lands and Waters

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

**Section 1. Policy.** Climate change represents an existential threat to the United States and the planet. The climate crisis is already causing devastating impacts from more destructive hurricanes and wildfires, rising seas, increasing heatwaves, droughts, and floods, imperiling food and water security, and the causing the collapse of ecosystems. The overwhelming scientific consensus has definitively concluded that without deep and rapid emissions reductions, warming will exceed 1.5 degrees Celsius and will result in catastrophic damage around the world. Every fraction of additional warming above 1.5 degrees Celsius will worsen these harms, threatening lives, health and safety, livelihoods, the economy, and national security for this generation and future generations.

Global emissions must be reduced by half over the next decade to limit warming to below 1.5 degrees Celsius. Accordingly, it is in the national interest for the United States, based on our cumulative emissions and respective capabilities, to lead the way by reducing greenhouse gas emissions by at least 70% by 2030 and to near zero by 2040.

Because fossil fuels are responsible for 75% of all greenhouse gas emissions and over 90% of carbon dioxide emissions, it is the policy of the Biden administration to immediately cease the expansion of fossil fuel development and implement a managed decline of fossil fuel extraction on public lands and waters.

**Sec. 2. Banning Offshore Oil and Gas Leasing and Permitting.** Under the authority granted in section 12(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1341(a), I hereby permanently withdraw from disposition by leasing all unleased portions of the Outer Continental Shelf. This withdrawal prevents consideration of these areas for any future oil or gas leasing for purposes of exploration, development, or production.

The secretary of the Interior shall immediately revise the National Outer Continental Shelf Oil and Gas Leasing Program in a manner that halts new offshore oil and gas lease sales and provides a determination that national energy needs require a prompt transition away from fossil fuels. Within 90 days the secretary shall prepare a plan to phase out oil and gas activities on the Outer Continental Shelf, including a ban on drilling new wells.

**Sec. 3. Banning Onshore Leasing and Permitting of Oil, Gas, and Coal.** Effective immediately, no new nominations for fossil fuel leases shall be processed, nor lease sales conducted on any public lands, for any fossil fuel — including oil, gas, or coal — until the programmatic review described below is completed. For pending nominations no lease sales will be held, leases issued or re-issued or extended, or modifications approved, prior to completion of the programmatic review. Pending the review no permits shall be issued for development, including but not limited to permits to drill new wells.

Within 30 days of this Order, the secretary of the Interior and secretary of Agriculture shall direct the Bureau of Land Management, Office of Surface Mining Reclamation and Enforcement, Bureau of Ocean Energy Management and U.S. Forest Service to commence a programmatic review of all fossil fuel leasing, permitting, and development subject to its jurisdiction, including federal fossil fuels underlying lands subject to surface management by other agencies and non-federal entities.

The programmatic review shall (1) determine the compatibility of leasing, permitting, extraction and combustion of fossil fuels from public lands and waters with meeting the United States' goal of limiting climate change to 1.5 degrees Celsius, including reducing greenhouse gas emissions by at least 50% by 2030 and to near zero by 2040; (2) evaluate the cumulative greenhouse gas emissions impacts of all federal onshore fossil fuel activities; (3) assess all reasonable alternatives for how the federal fossil fuel program can contribute to a prompt transition away from the production, use, and export of fossil fuels; and (4) review all agency actions, plans, programs, policies, and regulations that affect the leasing, production, and use of domestically produced fossil fuels, including coal, oil, gas, tar sands and oil shale.

No leasing, permitting or development of fossil fuel approvals may occur on public lands or waters unless the secretary completes the programmatic review and determines that any such activity would be consistent with reducing greenhouse gas emissions by 50% by 2030 and to near zero by 2040 and with limiting climate change to 1.5 degrees Celsius.

**Sec. 4. Cancellation of Improperly Issued Leases.** The Attorney General and secretary of the Interior shall begin a comprehensive review of companies involved in fossil fuel leasing, permitting and development on public lands and waters. They shall immediately initiate a review of the lawfulness of existing leases and shall identify and investigate all instances of fraud or misrepresentation that may have occurred during or prior to the leasing, permitting or development of fossil fuel resources on public lands or waters and whether any company engaged in efforts to conceal, deny, or misrepresent climate science or the risks and harm from fossil fuels extraction.

The secretary of the Interior shall immediately begin the process to cancel any such leases or permits obtained through fraud, misrepresentation, or that were otherwise improperly issued. The Attorney General and secretary of the Interior should pursue any and all available remedies to the federal government including suspension and debarment, administrative penalties, civil penalties or criminal penalties to ensure that all harms and impacts are fully redressed.

**Sec. 5. General Provisions.** This order shall not be interpreted to supersede or diminish any environmental safeguards offered under other statutes, including any prior leasing withdrawals. Nothing in this order shall be construed to impair or otherwise affect the authority granted by law to an executive department or agency, or the head thereof. This order shall be implemented consistent with applicable law and subject to the availability of appropriations. 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.