

# United States Senate

WASHINGTON, DC 20510

June 23, 2021

The Honorable Debra Haaland  
Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Haaland:

As we approach 100 days past the scheduled date of the “paused” Gulf of Mexico Lease Sale 257 and in light of the recent ruling of the U.S. Western District Court of Louisiana<sup>1</sup> against the Department of the Interior’s (Department) ongoing review of the federal leasing program, we write to compel the Department to conduct Gulf of Mexico Lease Sale 257, originally scheduled for March 17, 2021. We also question the timing of future sales under the existing National Outer Continental Shelf (OCS) Oil & Gas Leasing Program as well as the status of the development of the 2022-2027 National OCS Leasing Program.

The OCS Lands Act requires the Department, subject to environmental safeguards, to expeditiously and orderly develop the vital national resource reserve as well as “maintain” a Five-Year oil and gas leasing plan.<sup>2</sup> Just last week, a District Court Judge further reinforced the principle that the Administration does not have the power to institute a moratorium<sup>3</sup> on oil-and-gas leasing on federal lands without approval from Congress. Preparation of a new National Program takes several years. When the President unilaterally issued a moratorium on leasing, the Department also paused activities required to develop a new five-year program. Because the 2017-2022 program expires on July 1, 2022, we are concerned the Department is unlikely to finalize a new program before the current program expires. Consequently, the Department may not be in compliance with the OCS Lands Act’s mandate to maintain a leasing program.

Furthermore, when the Department issued the moratorium on leasing, all pre-leasing activities were halted. In order to conduct a lease sale under the current program, the Bureau of Ocean Energy Management (BOEM) must publish a Call for Information, Proposed Notice, and Final Notice, as well as perform a National Environmental Policy Act (NEPA) review prior to conducting a lease sale. In total, it takes your Department about nine to 12 months of internal preparation to hold just one lease sale. With the current Five-Year program set to expire in 13

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<sup>1</sup> <https://www.wsj.com/articles/federal-judge-stops-biden-administration-from-blocking-new-oil-and-gas-leases-11623794412>

<sup>2</sup> 43 USC § 1344(a)

<sup>3</sup> In the sense of halt” synonyms include “stop, end, close, break, stand, arrest, **pause**, interruption...”  
<https://www.collinsdictionary.com/us/dictionary/english-thesaurus/moratorium>

months, BOEM will need to resume its pre-leasing activities by no later than October 2021 in order to hold one more lease sale under the current leasing program, let alone the complete program.

We are concerned that this unprecedented and illegal “pause” and subsequent delay or cancellation of future lease sales creates undue uncertainty and instability in the oil and gas industry. This instability will lead to continued disinvestment and higher energy prices at the expense of American jobs and prosperity.

Additionally, during her testimony before the Senate Energy and Natural Resources Committee on May 13th, BOEM Director Amanda Lefton said that in order to reduce risk of climate change to states, we need to transition away from oil and gas intimating that transition requires reducing demand. Not only is this comment very disturbing given the suggestion that Administration officials view changing consumer choices for energy as a responsibility of government, but it fails to take in to account that the demand for energy is directly tied to the health of an economy. Americans in many states pay much lower utility rates than Americans in California and northeastern states thanks to access to cheap and cleaner burning natural gas.<sup>4</sup>

From 2005 to 2018, total U.S. energy-related CO<sub>2</sub> emissions fell by 12 percent. During this time the United States became the number one energy producer in the world. In contrast, global energy-related CO<sub>2</sub> emissions increased over 23.8 percent.<sup>5</sup> In addition, the Obama Administration concluded without Gulf of Mexico leasing, global CO<sub>2</sub> emissions will increase due to a reliance on imported oil.<sup>6</sup> Given the reality of the data, additional production in the Gulf would actually do more to serve the Nation’s climate goals than a moratorium, especially since oil and gas will still be needed for the fuel, plastics, and lubricants required in a modern economy.

The Administration’s actions on energy production are concerning and in conflict with its aims. In 2019 alone the U.S. oil and gas industry supported nearly 8 percent or \$1.7 trillion of the U.S. GDP<sup>7</sup> and employed more than 2.5 million Americans earning more than \$300 billion in salary and benefits. The administration should not gamble with the livelihoods of these hard-working men and women across the country.

Given that demand will continue to grow as the U.S. recovers from the global COVID pandemic and there is an option to produce clean domestic energy with higher environmental

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<sup>4</sup> <https://www.eia.gov/electricity/state/>

<sup>5</sup> <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2018>

<sup>6</sup> <https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2017-2022/OCS-Report-BOEM-2016-065---OCS-Oil-and-Natural-Gas---Potential-Lifecycle-GHG-Emissions-and-Social-Cost-of-Carbon.pdf>

<sup>7</sup> PricewaterhouseCoopers. (July 2021). Impacts of the Natural Gas and Oil Industry on the US Economy in 2019.

standards producing lower carbon emissions, we respectfully request answers to the following questions.

- In light of the recent court ruling halting the President's leasing moratorium<sup>8</sup>, the Department is compelled to immediately resume preparations to conduct additional lease sales. What are the Department's plans to conduct further lease sales under the current 2017-2022 Offshore Leasing Program, and what specific steps has the Department already taken to ensure lease sales are held prior to July 1, 2022?
- Is the Department planning to conduct future lease sales with the acreage developed under the President Obama approved 2017-2021 National OCS Leasing Program, or at a reduced acreage to comply with the District Court's order in name only?
- What is the current status on the development of the 2022-2027 National OCS Leasing Program?
- Please share the Department's timeline to finalize the development of the 2022-2027 National OCS Leasing Program.

Sincerely,



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Bill Cassidy, M.D.  
United States Senator



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Roger F. Wicker  
United States Senator



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Cindy Hyde-Smith  
United States Senator



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Tommy Tuberville  
United States Senator

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<sup>8</sup> <https://www.wsj.com/articles/federal-judge-stops-biden-administration-from-blocking-new-oil-and-gas-leases-11623794412>



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Ted Cruz  
United States Senator



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John Kennedy  
United States Senator