

# United States Senate

WASHINGTON, DC 20510

October 6, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington DC 20500

Dear Mr. President,

We write to encourage you to use the authority granted to you under Section 12(a) of the Outer Continental Shelf Lands Act (OCSLA) to permanently protect the Atlantic and Arctic Oceans from offshore oil and gas drilling. Using this authority to permanently protect these areas would ensure that important industries in our coastal states such as fishing and tourism are protected, that we do not despoil our beaches and coastlines or the sensitive ecosystem of the Arctic Ocean, and that we align our long-term federal energy decisions with a climate-safe future.

Section 12(a) of OCSLA<sup>1</sup> gives the President the authority to withdraw federal lands offshore from oil and gas leasing, stating “The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.” In contrast to some other statutes that deal with the disposition of federal lands, we believe that Section 12(a) of OCSLA empowers you to permanently withdraw lands from offshore oil and gas leasing.

For instance, the Federal Land Policy and Management Act (FLPMA) provides the Secretary of the Interior with the explicit authority to withdraw lands from certain uses but also with the explicit authority to revoke those withdrawals.<sup>2</sup> In contrast, OCSLA does not provide any authority to revoke withdrawals that are made under Section 12(a). FLPMA demonstrates that Congress clearly knows how to write statutory language that allows for the Executive Branch to withdraw public lands from specific uses and to later undo such withdrawals. The absence of such language in OCSLA is strong evidence that this statute empowers the President to permanently withdraw federal lands offshore from oil and gas drilling.

Allowing drilling anywhere off the East Coast would threaten key economic drivers for coastal states, such as fishing and tourism, with the risk of a spill. Fishing off East Coast states produces roughly \$1.75 billion in direct value for these states and more than \$4 billion in total economic activity each year. Tourism on the East Coast generates hundreds of billions of dollars in additional economic activity and supports an estimated 800,000 jobs. Any oil and gas drilling activity in federal waters in the Atlantic would threaten these huge economic drivers.

Drilling in the Arctic Ocean similarly has the potential to irreparably harm this unique but fragile ecosystem. The oil industry’s attempts to drill offshore in the Arctic have been riddled with safety lapses and mishaps. The oil industry has now relinquished the bulk of the drilling leases that were held in the Arctic Ocean, indicating that there is a lack of industry interest in pursuing additional offshore drilling in the Arctic Ocean. Permanently protecting the Arctic Ocean would ensure that we do not irreparably damage this important ecosystem.

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<sup>1</sup> 43 U.S.C. § 1340

<sup>2</sup> 43 U.S.C. § 1714

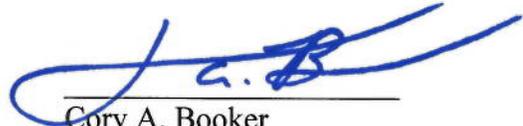
We urge you to use the authority provided by Section 12(a) of OCSLA to permanently withdraw and protect the Atlantic and Arctic Oceans from oil and gas drilling. Doing so will help protect our oceans, communities and climate.

Thank you for your consideration of this request.

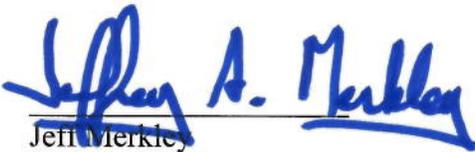
Sincerely,



Edward J. Markey  
United States Senator



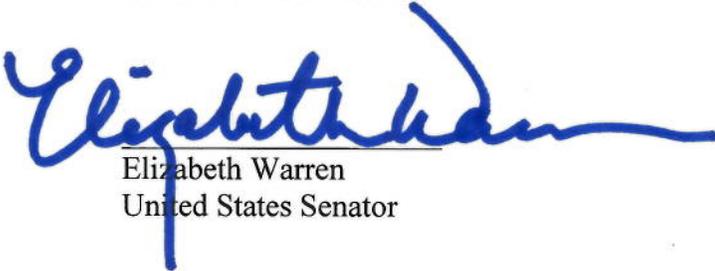
Cory A. Booker  
United States Senator



Jeff Merkley  
United States Senator



Kirsten Gillibrand  
United States Senator



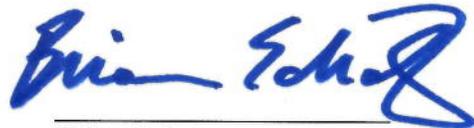
Elizabeth Warren  
United States Senator



Al Franken  
United States Senator



Benjamin L. Cardin  
United States Senator



Brian Schatz  
United States Senator



Robert Menendez  
United States Senator



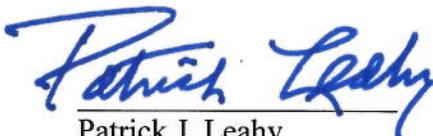
Richard Blumenthal  
United States Senator



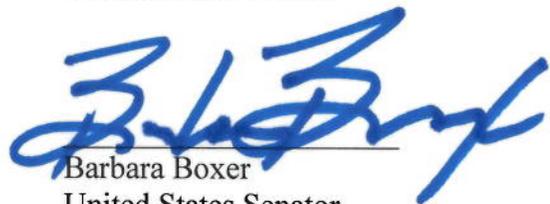
Barbara A. Mikulski  
United States Senator



Bernard Sanders  
United States Senator



Patrick J. Leahy  
United States Senator



Barbara Boxer  
United States Senator