

From: [Cardinale, Richard](#)
To: [Klein, Elizabeth A](#); [Van Der Heide Escobar, Jennifer](#); [Kelly, Katherine P](#)
Cc: [Daniel-Davis, Laura E](#); [Heard, Preston S](#); [Giles, Ayesha R](#)
Subject: FW: SCU ETF (EST-00098): Opposition to EO 14008 and SO 3395 -Barrasso
Date: Friday, February 19, 2021 12:44:26 PM
Attachments: [Transmittal Sheet \(ESB46-00098\).pdf](#)
[Supporting Documentation \(ESB-00098\).pdf](#)
[Draft Letter \(ESB46-00098\) Opposition to SO 3395 and EO 14008 \(2021-02-19\)-SCU_RTC.docx](#)
[Barrasso- 02.04.2021 Moratorium Letter Signed \(1\).pdf](#)

All,

Attached please find the draft letter to Sen. Barrasso in response to his incoming letter dated February 4, 2021.

Laura, I understand from Chris Salotti that you saw an earlier version of this letter. May I ask you to review and provide your surname via email. Thanks.

Rich

From: Heard, Preston S <preston_heard@ios.doi.gov>
Sent: Friday, February 19, 2021 1:28 PM
To: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>
Cc: Giles, Ayesha R <Ayesha_R_Giles@ios.doi.gov>
Subject: SCU ETF (EST-00098): Opposition to EO 14008 and SO 3395 -Barrasso

Rich,

Please find attached the electronic transmission folder (ETF) for the Barrasso package, which is set up for the Acting Secretary's signature and your review/approval. The following documents are attached:

1. Transmittal Sheet
2. Supporting Documentation
3. Draft Product (Tracked)

Ayesha is the SCU Portfolio Manager on this matter.
Preston



**OFFICE OF THE SECRETARY OF THE INTERIOR
EXECUTIVE SECRETARIAT
Secretarial Correspondence Transmittal**

Date ES 02/05/2021 **ES Tracking** ESB46-000098
Date Forwarded for 02/19/2021

To: de la Vega, Scott
From: Barrasso, John
 Wyoming Delegation
 US Congress
 Washington, DC
Subject: Opposition to SO 3395 and EO 14008

Response Summary REQUEST FOR SIGNATURE - Opposition to SO 3395 and EO 14008

Lead Response OCL
Response Writer: Salotti

<u>Surnaming Office</u>	<u>Approved By</u>	<u>Date Approved</u>
BOEM	Lefton	02/18/2021
PMB	Taylor	02/18/2021
SOL	Anderson	02/18/2021
BLM	Nedd	02/19/2021
Salotti	OCL	02/19/2021

Deputy Secretary	_____	_____
Chief of Staff	_____	_____
Deputy Chief of Staff	_____	_____
Associate Deputy	_____	_____
Senior Advisor	_____	_____
Counselor	_____	_____
Executive	_____	_____
Secretary	_____	_____

SIGMAC: Other (NOT _____)

COMMENTS:



DEPARTMENT OF THE INTERIOR
TASKING PROFILE

<u>ACCN #:</u>	ESB46-000098	<u>Status</u>	Open	<u>Fiscal</u>	2021
<u>Document</u>	<u>Received</u>	<u>Due</u>	<u>Action</u>	<u>Signature</u>	<u>Doc</u>
02/04/2021	02/05/2021	02/19/2021	OCL	DR	CM

To (Recipient): de la Vega, Scott

From (Author): Barrasso, John

Senator
United States Senate
Washington, DC 20510

Subject Text: Opposition to SO 3395 and EO 14008

Req. Surnames:

Mail

Mail Track

Cross Ref:

Copies To: SIO-OES

Status

Correspondence Specialist and SIO-OES Ayesha Giles/ 202-208-7533

Closed
Comments:

Signed:

United States Senate

WASHINGTON, DC 20510

February 4, 2021

Acting Secretary de la Vega
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

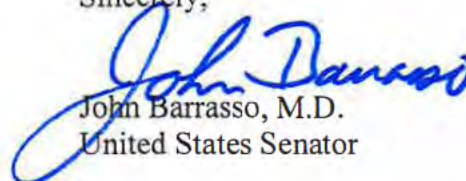
Dear Acting Secretary de la Vega:

I write to express my strong opposition to two recent orders imposing a moratorium on oil and gas leasing and permitting on federal lands: Secretarial Order No. 3395 and President Biden's Executive Order No. 14008. While administration officials have stated that these orders do not affect activities on existing leases, oil and gas producers operating on federal land in Wyoming have told me that the Bureau of Land Management (BLM) is failing to issue permits necessary for oil and gas production on existing leases. It has also come to my attention that BLM is proceeding with a lease sale in Nevada and a variety of permitting activities in New Mexico, which BLM is not conducting in Wyoming. It is imperative that you clarify which activities BLM will conduct under Secretarial Order No. 3395 and not treat Wyoming differently than Nevada or New Mexico.

Section 3(g) of Secretarial Order No. 3395 states that it: "does not limit existing operations under valid leases. It also does not apply to authorizations necessary to: (1) avoid conditions that might impose a threat to human health, welfare, or safety; or (2) to avoid adverse impacts to public land or mineral resources." On Wednesday, January 27, 2021, Gina McCarthy, President Biden's National Climate Advisor, publicly stated that the President's Executive Order No. 14008 "is not stopping permitting. It's not stopping fracking." That same day, Jennifer Granholm, whom President Biden has nominated to be Secretary of Energy, provided sworn testimony to the Senate Committee on Energy and Natural Resources that, under the administration's orders: "the licenses that currently are operating are not going to be disrupted. They will continue to operate...they can continue to permit and deploy and extract energy from." Ms. Granholm added "the moratorium on leases is prospective. It does not apply to those who are currently operating."

Since then, I have spoken to a number of oil and gas producers who are unable to obtain the necessary permits from BLM to produce on existing leases on federal land in Wyoming. At least one oil and gas producer has reported to me that BLM is permitting activities in New Mexico that it is not permitting in Wyoming. In addition, I have come to learn that BLM will proceed with an oil and gas lease sale in Nevada on March 9, 2021, but does not appear to have plans to proceed with a lease sale in Wyoming scheduled for March 15, 2021. To clarify the administration's orders, provide certainty to states and oil and gas producers, and ensure that the Biden administration is not treating New Mexico or Nevada more favorably than it is treating Wyoming or other states, I ask that you answer the following questions no later than February 12, 2021. Thank you.

Sincerely,



John Barrasso, M.D.
United States Senator

Attachment

Questions for Acting Secretary de la Vega:

1. Clearly list and define all items, actions, and permits that are considered “existing operations under valid leases” under Secretarial Order No. 3395.
2. Will the Department approve new applications for permit to drill (APDs) on existing leases while Secretarial Order No. 3395 remains in effect?
3. How does the Department plan to comply with the deadlines for APDs established in 30 U.S.C. §226(p)(1) and (2) while Secretarial Order No. 3395 remains in effect?
4. How will the Department address submitted but unapproved APDs, which may be subject to a categorical exclusion or documentation of NEPA adequacy (DNA) and would not result in new surface disturbance, while Secretarial Order No. 3395 remains in effect?
5. How will the Department address submitted but unapproved APDs, which may be subject to a categorical exclusion or DNA and would result in new surface disturbance, while Secretarial Order No. 3395 remains in effect?
6. How will the Department address submitted but unapproved APDs which are not subject to a categorical exclusion or DNA while Secretarial Order No. 3395 remains in effect?
7. To what extent will the Department approve sundries, amendments, and other requests related to already approved APDs and new APDs – including instances when requests for approval require new surface disturbance – while Secretarial Order No. 3395 remains in effect?
8. To what extent will the Department grant rights-of-way for oil, natural gas, and water gathering lines, pipelines, and other infrastructure related to the operations of already approved APDs and new APDs while Secretarial Order No. 3395 remains in effect?
9. For each BLM field office, in each state, provide a list of the number of APDs, sundries, amendments, rights-of-way, and other requests approved or rescinded since Secretarial Order No. 3395 went into effect. Please provide me an updated list on a weekly basis.
10. Describe the professional and technical qualifications of each of the individuals, who are listed in section 4 of Secretarial Order No. 3395 and are now responsible for processing APDs and related permits.
11. How does the Department plan to comply with the quarterly lease sale requirement under 30 U.S.C. §226(b)(1)?
12. On January 21, 2021, *Bloomberg* reported that “[a] Nevada oil and gas lease sale scheduled for March 9[, 2021,] is the only lease sale listed online at EnergyNet that would fall within the 60-day window.” Does the Department plan to proceed with the Wyoming oil and gas lease sale scheduled for March 15, 2021? If not, what is the legal basis for proceeding with the Nevada oil and gas lease sale on March 9, but not proceeding with the Wyoming oil and gas lease sale scheduled for March 15?

13. How will the Department address applications for APD extensions, lease extensions, and suspension of operations while Secretarial Order No. 3395 remains in effect?
14. How will Secretarial Order No. 3395 be phased out?
15. When will Secretarial Order No. 3395 be phased out?
16. Has the Department assessed the detrimental environmental impacts from restricting the permitting and siting of gathering lines, pipelines, and other infrastructure? Specifically, has the Department assessed how Secretarial Order No. 3395 and/or Executive Order No. 14008 may result in additional truck traffic to and from well pads, additional venting and flaring of natural gas, and additional consumption of freshwater? If so, please provide the assessment in its entirety.
17. Has the Department assessed the detrimental impacts that Secretarial Order No. 3395 and/or Executive Order No. 14008 will have on the conservation and recovery of fluid minerals (e.g., oil, natural gas) on federal lands and waters? If so, please provide the assessment in its entirety.
18. The Land and Water Conservation Fund is entirely financed by offshore leasing and royalty revenues. The Great American Outdoors Act provides billions annually from onshore and offshore Federal oil and gas leasing and development for national parks and other conservation programs. Has the Department assessed the impact to conservation funding from Secretarial Order No. 3395 and/or Executive Order No. 14008? If so, please provide the assessment in its entirety.
19. How does the Department expect Secretarial Order No. 3395, Executive Order No. 14008, and the resulting economic loss to comply with the Department's mandate to manage lands "in a manner which recognizes the Nation's need for domestic sources of minerals...from the public lands," as stated in 43 U.S.C. §1701(a)(12)?
20. Secretarial Order No. 3395 states that it applies to the delegation of authority vested in employees of the Bureau of Indian Affairs (BIA). However, the Department recently clarified that the order exempts lands held in trust for the benefit of one or more Indian tribes or individual Indians. Will there be a new delegation of authority issued to BIA employees? If so, when will that occur?
21. Has the Department assessed the impacts to parcels, which are held in trust for the benefit of one or more Indian tribes or individual Indians, if those parcels are in a unit agreement with federal parcels? Additionally, if the parcel held in trust for an Indian tribe or individual Indian becomes uneconomic on account of Secretarial Order No. 3395 and/or Executive Order No. 14008, will the Department issue permits for the federal parcels to avoid harmful impacts to parcels held in trust for an Indian tribe or individual Indian?
22. Has the Department provided BLM offices in New Mexico and/or Nevada with guidance, written or oral, on Secretarial Order No. 3395 and/or Executive Order No. 14008, which it has not provided to BLM offices in Wyoming or other states? If so, what is the legal basis for withholding that guidance from BLM offices outside of New Mexico and/or Nevada?

Executive Order on Tackling the Climate Crisis at Home and Abroad

JANUARY 27, 2021 • PRESIDENTIAL ACTIONS

The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents. Domestic action must go hand in hand with United States international leadership, aimed at significantly enhancing global action. Together, we must listen to science and meet the moment.

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:

PART I — PUTTING THE CLIMATE CRISIS AT THE CENTER OF UNITED STATES FOREIGN POLICY AND NATIONAL SECURITY

Section 101. Policy. United States international engagement to address climate change — which has become a climate crisis — is more necessary and urgent than ever. The scientific community has made clear that the scale and speed of necessary action is greater than previously believed. There is little time left to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. Responding to the climate crisis will require both significant short-term global reductions in greenhouse gas emissions and net-zero global emissions by mid-century or before.

It is the policy of my Administration that climate considerations shall be an essential element of United States foreign policy and national security. The United States will work with other countries and partners, both bilaterally and multilaterally, to put the world on a sustainable climate pathway. The United States will also move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories.

Sec. 102. Purpose. This order builds on and reaffirms actions my Administration has already taken to place the climate crisis at the forefront of this Nation's foreign policy and national

security planning, including submitting the United States instrument of acceptance to rejoin the Paris Agreement. In implementing — and building upon — the Paris Agreement’s three overarching objectives (a safe global temperature, increased climate resilience, and financial flows aligned with a pathway toward low greenhouse gas emissions and climate-resilient development), the United States will exercise its leadership to promote a significant increase in global climate ambition to meet the climate challenge. In this regard:

(a) I will host an early Leaders’ Climate Summit aimed at raising climate ambition and making a positive contribution to the 26th United Nations Climate Change Conference of the Parties (COP26) and beyond.

(b) The United States will reconvene the Major Economies Forum on Energy and Climate, beginning with the Leaders’ Climate Summit. In cooperation with the members of that Forum, as well as with other partners as appropriate, the United States will pursue green recovery efforts, initiatives to advance the clean energy transition, sectoral decarbonization, and alignment of financial flows with the objectives of the Paris Agreement, including with respect to coal financing, nature-based solutions, and solutions to other climate-related challenges.

(c) I have created a new Presidentially appointed position, the Special Presidential Envoy for Climate, to elevate the issue of climate change and underscore the commitment my Administration will make toward addressing it.

(d) Recognizing that climate change affects a wide range of subjects, it will be a United States priority to press for enhanced climate ambition and integration of climate considerations across a wide range of international fora, including the Group of Seven (G7), the Group of Twenty (G20), and fora that address clean energy, aviation, shipping, the Arctic, the ocean, sustainable development, migration, and other relevant topics. The Special Presidential Envoy for Climate and others, as appropriate, are encouraged to promote innovative approaches, including international multi-stakeholder initiatives. In addition, my Administration will work in partnership with States, localities, Tribes, territories, and other United States stakeholders to advance United States climate diplomacy.

(e) The United States will immediately begin the process of developing its nationally determined contribution under the Paris Agreement. The process will include analysis and input from relevant executive departments and agencies (agencies), as well as appropriate outreach to domestic stakeholders. The United States will aim to submit its nationally determined contribution in advance of the Leaders’ Climate Summit.

(f) The United States will also immediately begin to develop a climate finance plan, making strategic use of multilateral and bilateral channels and institutions, to assist developing

countries in implementing ambitious emissions reduction measures, protecting critical ecosystems, building resilience against the impacts of climate change, and promoting the flow of capital toward climate-aligned investments and away from high-carbon investments. The Secretary of State and the Secretary of the Treasury, in coordination with the Special Presidential Envoy for Climate, shall lead a process to develop this plan, with the participation of the Administrator of the United States Agency for International Development (USAID), the Chief Executive Officer of the United States International Development Finance Corporation (DFC), the Chief Executive Officer of the Millennium Challenge Corporation, the Director of the United States Trade and Development Agency, the Director of the Office of Management and Budget, and the head of any other agency providing foreign assistance and development financing, as appropriate. The Secretary of State and the Secretary of the Treasury shall submit the plan to the President, through the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, within 90 days of the date of this order.

(g) The Secretary of the Treasury shall:

(i) ensure that the United States is present and engaged in relevant international fora and institutions that are working on the management of climate-related financial risks;

(ii) develop a strategy for how the voice and vote of the United States can be used in international financial institutions, including the World Bank Group and the International Monetary Fund, to promote financing programs, economic stimulus packages, and debt relief initiatives that are aligned with and support the goals of the Paris Agreement; and

(iii) develop, in collaboration with the Secretary of State, the Administrator of USAID, and the Chief Executive Officer of the DFC, a plan for promoting the protection of the Amazon rainforest and other critical ecosystems that serve as global carbon sinks, including through market-based mechanisms.

(h) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall work together and with the Export–Import Bank of the United States, the Chief Executive Officer of the DFC, and the heads of other agencies and partners, as appropriate, to identify steps through which the United States can promote ending international financing of carbon-intensive fossil fuel-based energy while simultaneously advancing sustainable development and a green recovery, in consultation with the Assistant to the President for National Security Affairs.

(i) The Secretary of Energy, in cooperation with the Secretary of State and the heads of other agencies, as appropriate, shall identify steps through which the United States can intensify

international collaborations to drive innovation and deployment of clean energy technologies, which are critical for climate protection.

(j) The Secretary of State shall prepare, within 60 days of the date of this order, a transmittal package seeking the Senate's advice and consent to ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, regarding the phasedown of the production and consumption of hydrofluorocarbons.

Sec. 103. Prioritizing Climate in Foreign Policy and National Security. To ensure that climate change considerations are central to United States foreign policy and national security:

(a) Agencies that engage in extensive international work shall develop, in coordination with the Special Presidential Envoy for Climate, and submit to the President, through the Assistant to the President for National Security Affairs, within 90 days of the date of this order, strategies and implementation plans for integrating climate considerations into their international work, as appropriate and consistent with applicable law. These strategies and plans should include an assessment of:

(i) climate impacts relevant to broad agency strategies in particular countries or regions;

(ii) climate impacts on their agency-managed infrastructure abroad (e.g., embassies, military installations), without prejudice to existing requirements regarding assessment of such infrastructure;

(iii) how the agency intends to manage such impacts or incorporate risk mitigation into its installation master plans; and

(iv) how the agency's international work, including partner engagement, can contribute to addressing the climate crisis.

(b) The Director of National Intelligence shall prepare, within 120 days of the date of this order, a National Intelligence Estimate on the national and economic security impacts of climate change.

(c) The Secretary of Defense, in coordination with the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Chair of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Administrator of the National Aeronautics and Space Administration, and the heads of other agencies as appropriate, shall develop and submit to the President, within 120 days of

the date of this order, an analysis of the security implications of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulation, war-gaming, and other analyses.

(d) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications of climate change, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing the National Defense Strategy, Defense Planning Guidance, Chairman's Risk Assessment, and other relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide an annual update, through the National Security Council, on the progress made in incorporating the security implications of climate change into these documents and processes.

(e) The Secretary of Homeland Security shall consider the implications of climate change in the Arctic, along our Nation's borders, and to National Critical Functions, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Homeland Security shall provide an annual update, through the National Security Council, on the progress made in incorporating the homeland security implications of climate change into these documents and processes.

Sec. 104. Reinstatement. The Presidential Memorandum of September 21, 2016 (Climate Change and National Security), is hereby reinstated.

PART II — TAKING A GOVERNMENT-WIDE APPROACH TO THE CLIMATE CRISIS

Sec. 201. Policy. Even as our Nation emerges from profound public health and economic crises borne of a pandemic, we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. Despite the peril that is already evident, there is promise in the solutions — opportunities to create well-paying union jobs to build a modern and sustainable infrastructure, deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.

We must listen to science — and act. We must strengthen our clean air and water protections. We must hold polluters accountable for their actions. We must deliver environmental justice in communities all across America. The Federal Government must drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector of our economy, marshaling the creativity, courage, and capital necessary to make our Nation resilient in the face of this threat. Together, we must combat the climate crisis with bold, progressive

action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy.

It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.

Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments.

Sec. 202. White House Office of Domestic Climate Policy. There is hereby established the White House Office of Domestic Climate Policy (Climate Policy Office) within the Executive Office of the President, which shall coordinate the policy-making process with respect to domestic climate-policy issues; coordinate domestic climate-policy advice to the President; ensure that domestic climate-policy decisions and programs are consistent with the President's stated goals and that those goals are being effectively pursued; and monitor implementation of the President's domestic climate-policy agenda. The Climate Policy Office shall have a staff headed by the Assistant to the President and National Climate Advisor (National Climate Advisor) and shall include the Deputy Assistant to the President and Deputy National Climate Advisor. The Climate Policy Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order, subject to the availability of appropriations, and may work with established or ad hoc committees or interagency groups. All agencies shall cooperate with the Climate Policy Office and provide such information, support, and assistance to the Climate Policy Office as it may request, as appropriate and consistent with applicable law.

Sec.203. National Climate Task Force. There is hereby established a National Climate Task Force (Task Force). The Task Force shall be chaired by the National Climate Advisor.

(a) Membership. The Task Force shall consist of the following additional members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of Defense;
- (iii) the Attorney General;

- (iv) the Secretary of the Interior;
- (v) the Secretary of Agriculture;
- (vi) the Secretary of Commerce;
- (vii) the Secretary of Labor;
- (viii) the Secretary of Health and Human Services;
- (ix) the Secretary of Housing and Urban Development;
- (x) the Secretary of Transportation;
- (xi) the Secretary of Energy;
- (xii) the Secretary of Homeland Security;
- (xiii) the Administrator of General Services;
- (xiv) the Chair of the Council on Environmental Quality;
- (xv) the Administrator of the Environmental Protection Agency;
- (xvi) the Director of the Office of Management and Budget;
- (xvii) the Director of the Office of Science and Technology Policy;
- (xviii) the Assistant to the President for Domestic Policy;
- (xix) the Assistant to the President for National Security Affairs;
- (xx) the Assistant to the President for Homeland Security and Counterterrorism; and
- (xxi) the Assistant to the President for Economic Policy.

(b) Mission and Work. The Task Force shall facilitate the organization and deployment of a Government-wide approach to combat the climate crisis. This Task Force shall facilitate planning and implementation of key Federal actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; conserve our lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth. As necessary and appropriate, members of the Task Force will engage on

these matters with State, local, Tribal, and territorial governments; workers and communities; and leaders across the various sectors of our economy.

(c) **Prioritizing Actions.** To the extent permitted by law, Task Force members shall prioritize action on climate change in their policy-making and budget processes, in their contracting and procurement, and in their engagement with State, local, Tribal, and territorial governments; workers and communities; and leaders across all the sectors of our economy.

USE OF THE FEDERAL GOVERNMENT'S BUYING POWER AND REAL PROPERTY AND ASSET MANAGEMENT

Sec. 204. **Policy.** It is the policy of my Administration to lead the Nation's effort to combat the climate crisis by example – specifically, by aligning the management of Federal procurement and real property, public lands and waters, and financial programs to support robust climate action. By providing an immediate, clear, and stable source of product demand, increased transparency and data, and robust standards for the market, my Administration will help to catalyze private sector investment into, and accelerate the advancement of America's industrial capacity to supply, domestic clean energy, buildings, vehicles, and other necessary products and materials.

Sec. 205. **Federal Clean Electricity and Vehicle Procurement Strategy.** (a) The Chair of the Council on Environmental Quality, the Administrator of General Services, and the Director of the Office and Management and Budget, in coordination with the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, and the heads of other relevant agencies, shall assist the National Climate Advisor, through the Task Force established in section 203 of this order, in developing a comprehensive plan to create good jobs and stimulate clean energy industries by revitalizing the Federal Government's sustainability efforts.

(b) The plan shall aim to use, as appropriate and consistent with applicable law, all available procurement authorities to achieve or facilitate:

(i) a carbon pollution-free electricity sector no later than 2035; and

(ii) clean and zero-emission vehicles for Federal, State, local, and Tribal government fleets, including vehicles of the United States Postal Service.

(c) If necessary, the plan shall recommend any additional legislation needed to accomplish these objectives.

(d) The plan shall also aim to ensure that the United States retains the union jobs integral to and involved in running and maintaining clean and zero-emission fleets, while spurring the

creation of union jobs in the manufacture of those new vehicles. The plan shall be submitted to the Task Force within 90 days of the date of this order.

Sec. 206. Procurement Standards. Consistent with the Executive Order of January 25, 2021, entitled, “Ensuring the Future Is Made in All of America by All of America’s Workers,” agencies shall adhere to the requirements of the Made in America Laws in making clean energy, energy efficiency, and clean energy procurement decisions. Agencies shall, consistent with applicable law, apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements. The Secretary of Labor shall take steps to update prevailing wage requirements. The Chair of the Council on Environmental Quality shall consider additional administrative steps and guidance to assist the Federal Acquisition Regulatory Council in developing regulatory amendments to promote increased contractor attention on reduced carbon emission and Federal sustainability.

Sec. 207. Renewable Energy on Public Lands and in Offshore Waters. The Secretary of the Interior shall review siting and permitting processes on public lands and in offshore waters to identify to the Task Force steps that can be taken, consistent with applicable law, to increase renewable energy production on those lands and in those waters, with the goal of doubling offshore wind by 2030 while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs. In conducting this review, the Secretary of the Interior shall consult, as appropriate, with the heads of relevant agencies, including the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Chair of the Council on Environmental Quality, State and Tribal authorities, project developers, and other interested parties. The Secretary of the Interior shall engage with Tribal authorities regarding the development and management of renewable and conventional energy resources on Tribal lands.

Sec. 208. Oil and Natural Gas Development on Public Lands and in Offshore Waters. To the extent consistent with applicable law, the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior’s broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters. The Secretary of the Interior shall complete that review in consultation with the Secretary of Agriculture, the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the Secretary of Energy. In conducting this analysis, and to the extent consistent with applicable law, the Secretary of the Interior shall consider whether to adjust royalties associated with

coal, oil, and gas resources extracted from public lands and offshore waters, or take other appropriate action, to account for corresponding climate costs.

Sec. 209. Fossil Fuel Subsidies. The heads of agencies shall identify for the Director of the Office of Management and Budget and the National Climate Advisor any fossil fuel subsidies provided by their respective agencies, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is not directly subsidizing fossil fuels. The Director of the Office of Management and Budget shall seek, in coordination with the heads of agencies and the National Climate Advisor, to eliminate fossil fuel subsidies from the budget request for Fiscal Year 2022 and thereafter.

Sec. 210. Clean Energy in Financial Management. The heads of agencies shall identify opportunities for Federal funding to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure for the Director of the Office of Management and Budget and the National Climate Advisor, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is used to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure. The Director of the Office of Management and Budget, in coordination with agency heads and the National Climate Advisor, shall seek to prioritize such investments in the President's budget request for Fiscal Year 2022 and thereafter.

Sec. 211. Climate Action Plans and Data and Information Products to Improve Adaptation and Increase Resilience. (a) The head of each agency shall submit a draft action plan to the Task Force and the Federal Chief Sustainability Officer within 120 days of the date of this order that describes steps the agency can take with regard to its facilities and operations to bolster adaptation and increase resilience to the impacts of climate change. Action plans should, among other things, describe the agency's climate vulnerabilities and describe the agency's plan to use the power of procurement to increase the energy and water efficiency of United States Government installations, buildings, and facilities and ensure they are climate-ready. Agencies shall consider the feasibility of using the purchasing power of the Federal Government to drive innovation, and shall seek to increase the Federal Government's resilience against supply chain disruptions. Such disruptions put the Nation's manufacturing sector at risk, as well as consumer access to critical goods and services. Agencies shall make their action plans public, and post them on the agency website, to the extent consistent with applicable law.

(b) Within 30 days of an agency's submission of an action plan, the Federal Chief Sustainability Officer, in coordination with the Director of the Office of Management and Budget, shall review the plan to assess its consistency with the policy set forth in section 204 of this order and the priorities issued by the Office of Management and Budget.

(c) After submitting an initial action plan, the head of each agency shall submit to the Task Force and Federal Chief Sustainability Officer progress reports annually on the status of implementation efforts. Agencies shall make progress reports public and post them on the agency website, to the extent consistent with applicable law. The heads of agencies shall assign their respective agency Chief Sustainability Officer the authority to perform duties relating to implementation of this order within the agency, to the extent consistent with applicable law.

(d) To assist agencies and State, local, Tribal, and territorial governments, communities, and businesses in preparing for and adapting to the impacts of climate change, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, and the Director of the Office of Science and Technology Policy, in coordination with the heads of other agencies, as appropriate, shall provide to the Task Force a report on ways to expand and improve climate forecast capabilities and information products for the public. In addition, the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities.

EMPOWERING WORKERS THROUGH REBUILDING OUR INFRASTRUCTURE FOR A SUSTAINABLE ECONOMY

Sec. 212. Policy. This Nation needs millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy. These jobs will create opportunities for young people and for older workers shifting to new professions, and for people from all backgrounds and communities. Such jobs will bring opportunity to communities too often left behind — places that have suffered as a result of economic shifts and places that have suffered the most from persistent pollution, including low-income rural and urban communities, communities of color, and Native communities.

Sec. 213. Sustainable Infrastructure. (a) The Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall take steps, consistent with applicable law, to ensure that Federal infrastructure investment reduces climate pollution, and to require that Federal permitting decisions consider the effects of greenhouse gas emissions and climate change. In addition, they shall review, and report to the National Climate Advisor on, siting and permitting processes, including those in progress under the auspices of the Federal Permitting Improvement Steering Council, and identify steps that can be taken,

consistent with applicable law, to accelerate the deployment of clean energy and transmission projects in an environmentally stable manner.

(b) Agency heads conducting infrastructure reviews shall, as appropriate, consult from an early stage with State, local, and Tribal officials involved in permitting or authorizing proposed infrastructure projects to develop efficient timelines for decision-making that are appropriate given the complexities of proposed projects.

EMPOWERING WORKERS BY ADVANCING CONSERVATION, AGRICULTURE, AND REFORESTATION

Sec. 214. Policy. It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America's natural treasures, increase reforestation, improve access to recreation, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented. America's farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis and reducing greenhouse gas emissions, by sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels. Coastal communities have an essential role to play in mitigating climate change and strengthening resilience by protecting and restoring coastal ecosystems, such as wetlands, seagrasses, coral and oyster reefs, and mangrove and kelp forests, to protect vulnerable coastlines, sequester carbon, and support biodiversity and fisheries.

Sec. 215. Civilian Climate Corps. In furtherance of the policy set forth in section 214 of this order, the Secretary of the Interior, in collaboration with the Secretary of Agriculture and the heads of other relevant agencies, shall submit a strategy to the Task Force within 90 days of the date of this order for creating a Civilian Climate Corps Initiative, within existing appropriations, to mobilize the next generation of conservation and resilience workers and maximize the creation of accessible training opportunities and good jobs. The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate.

Sec. 216. Conserving Our Nation's Lands and Waters. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments,

agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

(i) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, and the Chair of the Council on Environmental Quality shall, as appropriate, solicit input from State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders in identifying strategies that will encourage broad participation in the goal of conserving 30 percent of our lands and waters by 2030.

(ii) The report shall propose guidelines for determining whether lands and waters qualify for conservation, and it also shall establish mechanisms to measure progress toward the 30-percent goal. The Secretary of the Interior shall subsequently submit annual reports to the Task Force to monitor progress.

(b) The Secretary of Agriculture shall:

(i) initiate efforts in the first 60 days from the date of this order to collect input from Tribes, farmers, ranchers, forest owners, conservation groups, firefighters, and other stakeholders on how to best use Department of Agriculture programs, funding and financing capacities, and other authorities, and how to encourage the voluntary adoption of climate-smart agricultural and forestry practices that decrease wildfire risk fueled by climate change and result in additional, measurable, and verifiable carbon reductions and sequestration and that source sustainable bioproducts and fuels; and

(ii) submit to the Task Force within 90 days of the date of this order a report making recommendations for an agricultural and forestry climate strategy.

(c) The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall initiate efforts in the first 60 days from the date of this order to collect input from fishermen, regional ocean councils, fishery management councils, scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.

EMPOWERING WORKERS THROUGH REVITALIZING ENERGY COMMUNITIES

Sec. 217. Policy. It is the policy of my Administration to improve air and water quality and to create well-paying union jobs and more opportunities for women and people of color in hard-hit communities, including rural communities, while reducing methane emissions, oil and

brine leaks, and other environmental harms from tens of thousands of former mining and well sites. Mining and power plant workers drove the industrial revolution and the economic growth that followed, and have been essential to the growth of the United States. As the Nation shifts to a clean energy economy, Federal leadership is essential to foster economic revitalization of and investment in these communities, ensure the creation of good jobs that provide a choice to join a union, and secure the benefits that have been earned by workers.

Such work should include projects that reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure and that prevent environmental damage that harms communities and poses a risk to public health and safety. Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, revitalizing recreation economies, and curbing methane emissions. In addition, such work should include efforts to turn properties idled in these communities, such as brownfields, into new hubs for the growth of our economy. Federal agencies should therefore coordinate investments and other efforts to assist coal, oil and gas, and power plant communities, and achieve substantial reductions of methane emissions from the oil and gas sector as quickly as possible.

Sec. 218. Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. There is hereby established an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (Interagency Working Group). The National Climate Advisor and the Assistant to the President for Economic Policy shall serve as Co-Chairs of the Interagency Working Group.

(a) Membership. The Interagency Working Group shall consist of the following additional members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Agriculture;
- (iv) the Secretary of Commerce;
- (v) the Secretary of Labor;
- (vi) the Secretary of Health and Human Services;
- (vii) the Secretary of Transportation;

- (viii) the Secretary of Energy;
- (ix) the Secretary of Education;
- (x) the Administrator of the Environmental Protection Agency;
- (xi) the Director of the Office of Management and Budget;
- (xii) the Assistant to the President for Domestic Policy and Director of the Domestic Policy Council; and
- (xiii) the Federal Co-Chair of the Appalachian Regional Commission.

(b) Mission and Work.

(i) The Interagency Working Group shall coordinate the identification and delivery of Federal resources to revitalize the economies of coal, oil and gas, and power plant communities; develop strategies to implement the policy set forth in section 217 of this order and for economic and social recovery; assess opportunities to ensure benefits and protections for coal and power plant workers; and submit reports to the National Climate Advisor and the Assistant to the President for Economic Policy on a regular basis on the progress of the revitalization effort.

(ii) As part of this effort, within 60 days of the date of this order, the Interagency Working Group shall submit a report to the President describing all mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities, and providing recommendations for action consistent with the goals of the Interagency Working Group.

(c) Consultation. Consistent with the objectives set out in this order and in accordance with applicable law, the Interagency Working Group shall seek the views of State, local, and Tribal officials; unions; environmental justice organizations; community groups; and other persons it identifies who may have perspectives on the mission of the Interagency Working Group.

(d) Administration. The Interagency Working Group shall be housed within the Department of Energy. The Chairs shall convene regular meetings of the Interagency Working Group, determine its agenda, and direct its work. The Secretary of Energy, in consultation with the Chairs, shall designate an Executive Director of the Interagency Working Group, who shall coordinate the work of the Interagency Working Group and head any staff assigned to the Interagency Working Group.

(e) Officers. To facilitate the work of the Interagency Working Group, the head of each agency listed in subsection (a) of this section shall assign a designated official within the agency the authority to represent the agency on the Interagency Working Group and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.

SECURING ENVIRONMENTAL JUSTICE AND SPURRING ECONOMIC OPPORTUNITY

Sec. 219. Policy. To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities — historically marginalized and overburdened — into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.

Sec. 220. White House Environmental Justice Interagency Council. (a) Section 1-102 of Executive Order 12898 of February 11, 1994 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations), is hereby amended to read as follows:

“(a) There is hereby created within the Executive Office of the President a White House Environmental Justice Interagency Council (Interagency Council). The Chair of the Council on Environmental Quality shall serve as Chair of the Interagency Council.

“(b) Membership. The Interagency Council shall consist of the following additional members:

- (i) the Secretary of Defense;
- (ii) the Attorney General;
- (iii) the Secretary of the Interior;
- (iv) the Secretary of Agriculture;

- (v) the Secretary of Commerce;
- (vi) the Secretary of Labor;
- (vii) the Secretary of Health and Human Services;
- (viii) the Secretary of Housing and Urban Development;
- (ix) the Secretary of Transportation;
- (x) the Secretary of Energy;
- (xi) the Chair of the Council of Economic Advisers;
- (xii) the Administrator of the Environmental Protection Agency;
- (xiii) the Director of the Office of Management and Budget;
- (xiv) the Executive Director of the Federal Permitting Improvement Steering Council;
- (xv) the Director of the Office of Science and Technology Policy;
- (xvi) the National Climate Advisor;
- (xvii) the Assistant to the President for Domestic Policy; and
- (xviii) the Assistant to the President for Economic Policy.

“(c) At the direction of the Chair, the Interagency Council may establish subgroups consisting exclusively of Interagency Council members or their designees under this section, as appropriate.

“(d) Mission and Work. The Interagency Council shall develop a strategy to address current and historic environmental injustice by consulting with the White House Environmental Justice Advisory Council and with local environmental justice leaders. The Interagency Council shall also develop clear performance metrics to ensure accountability, and publish an annual public performance scorecard on its implementation.

“(e) Administration. The Office of Administration within the Executive Office of the President shall provide funding and administrative support for the Interagency Council, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and subject to the availability of appropriations,

the Department of Labor, the Department of Transportation, and the Environmental Protection Agency shall provide administrative support as necessary.

“(f) Meetings and Staff. The Chair shall convene regular meetings of the Council, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Council, who shall coordinate the work of the Interagency Council and head any staff assigned to the Council.

“(g) Officers. To facilitate the work of the Interagency Council, the head of each agency listed in subsection (b) shall assign a designated official within the agency to be an Environmental Justice Officer, with the authority to represent the agency on the Interagency Council and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.”

(b) The Interagency Council shall, within 120 days of the date of this order, submit to the President, through the National Climate Advisor, a set of recommendations for further updating Executive Order 12898.

Sec. 221. White House Environmental Justice Advisory Council. There is hereby established, within the Environmental Protection Agency, the White House Environmental Justice Advisory Council (Advisory Council), which shall advise the Interagency Council and the Chair of the Council on Environmental Quality.

(a) Membership. Members shall be appointed by the President, shall be drawn from across the political spectrum, and may include those with knowledge about or experience in environmental justice, climate change, disaster preparedness, racial inequity, or any other area determined by the President to be of value to the Advisory Council.

(b) Mission and Work. The Advisory Council shall be solely advisory. It shall provide recommendations to the White House Environmental Justice Interagency Council established in section 220 of this order on how to increase the Federal Government’s efforts to address current and historic environmental injustice, including recommendations for updating Executive Order 12898.

(c) Administration. The Environmental Protection Agency shall provide funding and administrative support for the Advisory Council to the extent permitted by law and within existing appropriations. Members of the Advisory Council shall serve without either compensation or reimbursement of expenses.

(d) Federal Advisory Committee Act. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Advisory Council, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Administrator of the Environmental Protection Agency in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 222. Agency Responsibilities. In furtherance of the policy set forth in section 219:

(a) The Chair of the Council on Environmental Quality shall, within 6 months of the date of this order, create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities.

(b) The Administrator of the Environmental Protection Agency shall, within existing appropriations and consistent with applicable law:

(i) strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance; and

(ii) create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities — places with the most significant exposure to such pollution.

(c) The Attorney General shall, within existing appropriations and consistent with applicable law:

(i) consider renaming the Environment and Natural Resources Division the Environmental Justice and Natural Resources Division;

(ii) direct that division to coordinate with the Administrator of the Environmental Protection Agency, through the Office of Enforcement and Compliance Assurance, as well as with other client agencies as appropriate, to develop a comprehensive environmental justice enforcement strategy, which shall seek to provide timely remedies for systemic environmental violations and contaminations, and injury to natural resources; and

(iii) ensure comprehensive attention to environmental justice throughout the Department of Justice, including by considering creating an Office of Environmental Justice within the Department to coordinate environmental justice activities among Department of Justice components and United States Attorneys' Offices nationwide.

(d) The Secretary of Health and Human Services shall, consistent with applicable law and within existing appropriations:

(i) establish an Office of Climate Change and Health Equity to address the impact of climate change on the health of the American people; and

(ii) establish an Interagency Working Group to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable as well as a biennial Health Care System Readiness Advisory Council, both of which shall report their progress and findings regularly to the Task Force.

(e) The Director of the Office of Science and Technology Policy shall, in consultation with the National Climate Advisor, within existing appropriations, and within 100 days of the date of this order, publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements, which shall be made public to the maximum extent possible and published on the Office's website.

Sec. 223. Justice40 Initiative. (a) Within 120 days of the date of this order, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40-percent goal as well as recommendations on any legislation needed to achieve the 40-percent goal.

(b) In developing the recommendations, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor shall consult with affected disadvantaged communities.

(c) Within 60 days of the recommendations described in subsection (a) of this section, agency heads shall identify applicable program investment funds based on the recommendations and consider interim investment guidance to relevant program staff, as appropriate and consistent with applicable law.

(d) By February 2022, the Director of the Office of Management and Budget, in coordination with the Chair of the Council on Environmental Quality, the Administrator of the United States

Digital Service, and other relevant agency heads, shall, to the extent consistent with applicable law, publish on a public website an annual Environmental Justice Scorecard detailing agency environmental justice performance measures.

PART III – GENERAL PROVISIONS

Sec. 301. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget, relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) 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.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

January 27, 2021.



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3395

Subject: Temporary Suspension of Delegated Authority.

Sec. 1. Purpose. This Order is made for the purpose of implementing a targeted and time-limited elevation of relevant decisions at the Department of the Interior (Department) for the purposes of reviewing the questions of fact, law, and policy they raise. This Order ensures that the Department continues its existing operations—including operations necessary for health, safety, and national security matters—consistent with all legal obligations and policy goals to uphold trust and treaty responsibility to tribal nations and to responsibly steward the Nation's public lands, waters, and resources for current and future generations.

Sec. 2. Authority. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and is consistent with 200 DM 1.

Sec. 3. Suspension of Authority. The delegations of authority to Department Bureaus and Offices to take any of the following actions are hereby temporarily suspended, but may be approved by leadership identified in Section 4 of this Order:

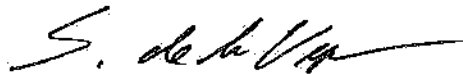
- a. To publish, cause to be published, or aid in the publication of any notice in the Federal Register, including, but not limited to, notices of proposed or final agency action and actions taken in accordance with the National Environmental Policy Act;
- b. To issue, revise, or amend Resource Management Plans under the authority of Section 202 of the Federal Land Policy and Management Act, as amended;
- c. To grant rights of way, easements, or any conveyances of property or interests in property, including land sales or exchanges, or any notices to proceed under previous surface use authorizations that will authorize ground-disturbing activities;
- d. To approve plans of operation, or to amend existing plans of operation under the General Mining Law of 1872;
- e. To issue any final decision with respect to R.S. 2477 claims, including recordable disclaimers of interest;
- f. To appoint, hire, or promote personnel, or approve the appointment of any personnel, assigned to a position at or above the level of GS 13, but this does not apply to seasonal hires or emergency work force personnel;

- g. To issue any onshore or offshore fossil fuel authorization, including but not limited to a lease, amendment to a lease, affirmative extension of a lease, contract, or other agreement, or permit to drill. This does not limit existing operations under valid leases. It also does not apply to authorizations necessary to: (1) avoid conditions that might pose a threat to human health, welfare, or safety; or (2) to avoid adverse impacts to public land or mineral resources.

Sec. 4. **Implementation.** Any and all delegations of authority to take the actions set out in Section 3 are temporarily suspended with respect to individuals other than a confirmed or Acting official in the following positions or a non-career official who has been delegated the authority to exercise the authority associated with the following positions under current law and regulations:

- a. Secretary
- b. Deputy Secretary
- c. Solicitor
- d. Assistant Secretary – Policy, Management and Budget
- e. Assistant Secretary – Land and Minerals Management
- f. Assistant Secretary – Water and Science
- g. Assistant Secretary for Fish and Wildlife and Parks
- h. Assistant Secretary – Indian Affairs
- i. Assistant Secretary – Insular and International Affairs

Sec. 5. **Expiration Date.** This Order is effective immediately and will remain in effect for 60 days, or until any of its provisions are amended, superseded, or revoked.



Scott de la Vega
Acting Secretary of the Interior

Date: JAN 20 2021

Incoming Congressional Letter

Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Fri 2/5/2021 1:08 PM

To: Heard, Preston S <preston_heard@ios.doi.gov>; Giles, Ayesha R <Ayesha_R_Giles@ios.doi.gov>

Cc: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>; Wallace, Andrew G <andrew_wallace@ios.doi.gov>; Salotti, Christopher <Chris_Salotti@ios.doi.gov>

 1 attachments (227 KB)

Barrasso- 02.04.2021 Moratorium Letter Signed.pdf;

Hi Preston and Ayesha. Attached is an incoming letter from Senator Barrasso. Please task to OCL for DR.

Thanks, Rob

Robert G. Howarth
Chief of Staff
Office of Congressional and Legislative Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240
(202) 208-7693 (office)
(202) 208-4754 (direct)
(202) 445-0371 (cell)
Robert_g_howarth@ios.doi.gov

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.

FW: Expedited Review of draft letter ... "Fatal Flaws Only"

Heard, Preston S <preston_heard@ios.doi.gov>

Fri 2/19/2021 11:50 AM

To: Giles, Ayesha R <Ayesha_R_Giles@ios.doi.gov>

FYSA

From: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>

Sent: Friday, February 19, 2021 11:20 AM

To: Heard, Preston S <preston_heard@ios.doi.gov>; Salotti, Christopher <Chris_Salotti@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Subject: RE: Expedited Review of draft letter ... "Fatal Flaws Only"

Please do not wait for ASLM's surname. As soon as the SCU completes its review, send the electronic package to me. We can add in Laura's surname when it's obtained.

Rich

From: Heard, Preston S <preston_heard@ios.doi.gov>

Sent: Friday, February 19, 2021 11:15 AM

To: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>; Salo, Christopher <Chris_Salo@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Subject: RE: Expedited Review of draft letter ... "Fatal Flaws Only"

Rich,

I was included on Chris' email where he provided the revised version. We still await AS-LM's surname.

Preston

From: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>

Sent: Friday, February 19, 2021 11:14 AM

To: Salo, Christopher <Chris_Salo@ios.doi.gov>; Heard, Preston S <preston_heard@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Subject: RE: Expedited Review of draft letter ... "Fatal Flaws Only"

Preston,

Please use this version, rather than the version we cleared earlier.

Regarding ASLM, Chris, I thought you said Laura had reviewed and approved the letter. Given that the letter primarily focuses on three of the ASLM bureaus, we should have her surname via email.

Rich

From: Salo, Christopher <Chris_Salo@ios.doi.gov>
Sent: Friday, February 19, 2021 11:11 AM
To: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>; Heard, Preston S <preston_heard@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>
Subject: Re: Expedited Review of draft letter ... "Fatal Flaws Only"

This version of the letter has a few very minor, editorial, edits that Pat sent me. Nothing beyond that for edits. We did not get ASLM surname. I mentioned last night that Liz and Laura had reviewed and edited the draft but we didn't talk about the need for her surname, just the bureaus under her.

Chris

From: Cardinale, Richard <Richard_Cardinale@ios.doi.gov>
Sent: Friday, February 19, 2021 11:02 AM
To: Salo, Christopher <Chris_Salo@ios.doi.gov>; Heard, Preston S <preston_heard@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>
Subject: RE: Expedited Review of draft letter ... "Fatal Flaws Only"

Chris,

We are reviewing the version of the letter that you sent me last night and getting it ready to submit to front office for review. Two questions: 1) Were there any edits from the version you sent?; 2) Do you have ASLM's surname?

Rich

From: Salo, Christopher <Chris_Salo@ios.doi.gov>
Sent: Friday, February 19, 2021 10:47 AM
To: Heard, Preston S <preston_heard@ios.doi.gov>; Cardinale, Richard <Richard_Cardinale@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>
Subject: Fw: Expedited Review of dra le tter ... "Fatal Flaws Only"

BLM surname of the letter below.

From: Wilkinson, Patrick <P2Wilkin@blm.gov>
Sent: Friday, February 19, 2021 10:44 AM
To: Salo, Chris topher <Chris_Salo@ios.doi.gov>; Tilton, Edward L <Edward.Tilton@boem.gov>; Fleming, Julie S <Julie.Fleming@bsee.gov>; Triebsch, George F <george_triebsch@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>; Gins, Meagan A <mgins@blm.gov>; Kniola, Benjamin E <bkniola@blm.gov>
Subject: Re: Expedited Review of dra le tter ... "Fatal Flaws Only"

Hi Chris,
You have BLM surname of the dra r esponse (Mike Nedd, Dep Director).
Thx,
Patrick

Patrick Wilkinson

Division Chief

Legislative Affairs (HQ 620)

Bureau of Land Management

U.S. Department of the Interior

Cell Phone: (202) 631-6346

From: Wilkinson, Patrick <P2Wilkin@blm.gov>
Sent: Thursday, February 18, 2021 6:57 PM
To: Salo, Chris topher <Chris_Salo@ios.doi.gov>; Tilton, Edward L <Edward.Tilton@boem.gov>; Fleming, Julie S <Julie.Fleming@bsee.gov>; Triebsch, George F <george_triebsch@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>; Gins, Meagan A <mgins@blm.gov>; Kniola, Benjamin E <bkniola@blm.gov>
Subject: Re: Expedited Review of dra le tter ... "Fatal Flaws Only"

thx chris - we are on it.

also... here are the not requested, not fatal flaw edits:

1) para 1 - add "(BLM)" after first reference - ie "Bureau of Land Management (BLM)"

2) para 4 - write out APD in first reference - "Applications for Permit to Drill (APDs)"

3) para 7 - missing a space after 14008

will report back fri am too.

thx!

p

Patrick Wilkinson

Division Chief

Legislative Affairs (HQ 620)

Bureau of Land Management

U.S. Department of the Interior

Cell Phone: (202) 631-6346

From: Salotti, Christopher <Chris_Salotti@ios.doi.gov>

Sent: Thursday, February 18, 2021 6:16 PM

To: Wilkinson, Patrick <P2Wilkin@blm.gov>; Tilton, Edward L <Edward.Tilton@boem.gov>; Fleming, Julie S <Julie.Fleming@bsee.gov>; Triebsch, George F <george_triebsch@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Subject: Expedited Review of draft letter ... "Fatal Flaws Only"

All -

We are clearing the attached draft response to the incoming letter from Sen. Barrasso on implementation of SO 3395 for signature by the Acting Secretary. Incoming is also included.

The draft has been reviewed by ASLM and front hallway staff, but we want to make sure we get signoff from your principals. We are looking for errors or fatal

flaws in the letter.

I would like your bureau's (office, George!) principal surname by 11:30 a.m. tomorrow. Please let me know if you have any questions or if you run into any problems.

Chris

RE: Surnames for draft responses to Sen. Barrasso letter ... (ESB46-000098)

Heard, Preston S <preston_heard@ios.doi.gov>

Fri 2/19/2021 11:15 AM

To: Giles, Ayesha R <Ayesha_R_Giles@ios.doi.gov>

 1 attachments (36 KB)

SO draft letter OCL ver 2.18 surname version.docx;

Ayesha,

As expected, the situation surrounding this letter is becoming an OCL-special. The timeline in which the Front Hallway wants the draft letter, and the lack of AS-LM's surname, is precluding the SCU from receiving a package that is ready. As a result, please begin the process of reviewing the document and upload the previously provided surnames.

Preston

From: Heard, Preston S

Sent: Friday, February 19, 2021 10:04 AM

To: Giles, Ayesha R <Ayesha_R_Giles@ios.doi.gov>

Subject: FW: Surnames for draft responses to Sen. Barrasso letter ...

Ayesha,

For your situational awareness.

Preston

From: Heard, Preston S <preston_heard@ios.doi.gov>

Sent: Friday, February 19, 2021 10:04 AM

To: Salotti, Christopher <Chris_Salotti@ios.doi.gov>; Cardinale, Richard <Richard_Cardinale@ios.doi.gov>

Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>

Subject: RE: Surnames for draft responses to Sen. Barrasso letter ...

Thank you, Chris.

Looking forward to the draft response. It would be very helpful if OCL's Correspondence Unit sends the draft response to the SCU via DTS, which sent the original tasking (ESB46-00098).

Thank you.

Preston

From: Salo. , Christopher <Chris_Salotti@ios.doi.gov>
Sent: Friday, February 19, 2021 9:58 AM
To: Heard, Preston S <preston_heard@ios.doi.gov>; Cardinale, Richard <Richard_Cardinale@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>
Subject: Surnames for draft responses to Sen. Barrasso letter ...

Rich/Preston -

Attached below are surnames from PMB (Taylor); SOL (Anderson); and BOEM (Lefton).

Still waiting on BLM and BSEE, both of which are in the works, and will forward those when I have them.

Chris

From: Lefton, Amanda B <amanda_lefton@ios.doi.gov>
Sent: Thursday, February 18, 2021 9:27:55 PM
To: Tilton, Edward L <Edward.Tilton@boem.gov>
Cc: Cruickshank, Walter <Walter.Cruickshank@boem.gov>; Knodel, Marissa S <marissa_knodel@ios.doi.gov>
Subject: RE: SURNAME REQUESTED - Response to Sen. Barrasso Letter

This email serves as my surname for the proposed response to Senator Barrasso

Thanks

A

From: Tilton, Edward L <Edward.Tilton@boem.gov>
Sent: Thursday, February 18, 2021 7:01 PM
To: Lefton, Amanda B <amanda_lefton@ios.doi.gov>
Cc: Cruickshank, Walter <Walter.Cruickshank@boem.gov>; Knodel, Marissa S <marissa_knodel@ios.doi.gov>
Subject: SURNAME REQUESTED - Response to Sen. Barrasso Letter

Amanda,

Sorry for the late request. The Acting Secretary received the attached letter asking the department to answer a couple of dozen questions regarding SO 3395 and EO 14008. The bulk of the questions regard BLM oil and gas activities on public lands.

The draft response developed by the department is also attached. Although some of the responses can be applied to offshore activities, the paragraph highlighted in yellow is directly applicable to offshore oil and gas leasing and is accurate in my opinion.

The Department is asking each affected bureau's Principal to review and surname the draft response NLT 11:30 AM EST, tomorrow, February 19. Only fatal flaws should be brought to their attention.

If you approve, please indicate so in a response to this email and I will forward to the Department's Office of Congressional and Legislative Affairs (OCL).

Thanks,

Lee Tilton
Chief Office of Congressional Affairs
Bureau of Ocean Energy Management
(202) 208-6098

From: Anderson, Robert T <robert_anderson@ios.doi.gov>
Sent: Thursday, February 18, 2021 11:38 PM
To: Camini, Mariagrazia <Marigrace.Camini@sol.doi.gov>
Cc: Anderson, Robert <Robert.Anderson@sol.doi.gov>; Bledsoe Downes, Ann <ann.bledsoedownes@sol.doi.gov>; Annatoyn, Travis <travis.annatoyn@sol.doi.gov>; Landreth, Natalie <natalie.landreth@sol.doi.gov>; Jain, Ruchi <ruchi.jain@sol.doi.gov>
Subject: Re: Expedited Review of draft letter ... "Fatal Flaws Only"

MG,

I read it carefully earlier today and think it is fine. You can give my okay. I will be getting on DTS by 9 a.m. your time. I don't think you need to send to deputies for approval, but an FYI would be fine.

Thanks.

Robert T. Anderson

Office of the Solicitor

U.S. Department of the Interior

1849 C Street NW

Washington, D.C. 20240

robert.anderson@sol.doi.gov

[\(202\) 208-4210](tel:(202)208-4210)

On Feb 18, 2021, at 7:57 PM, Caminiti, Mariagrazia
<marigrace.caminiti@sol.doi.gov> wrote:

Bob- dra r esponse doesn't make commitments, but explains doi's plan for review- i'm copying the Deps here, but you can call folks off if your review is sufficient with the heavy background you've had. Happy to forward with quick turnaround request.mg

Mariagrazia Caminiti

Executive Assistant

Office of the Solicitor

1849 C Street, NW, 6352

Washington, DC 20240

Direct: 202-208-3111

Cell: 202-528-0486

WCell: 202-359-2949

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>

Sent: Thursday, February 18, 2021 8:08 PM

To: Triebsch, George F <george_triebsch@ios.doi.gov>

Cc: Davis, Kimbra <Kimbra.Davis@onrr.gov>
Subject: RE: Expedited Review of dra le tter ... "Fatal Flaws Only"

No objecons, I trus t that OCL and SOL crafted carefully.

From: Triebisch, George F <george_triebisch@ios.doi.gov>
Sent: Thursday, February 18, 2021 6:41 PM
To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Cc: Davis, Kimbra <Kimbra.Davis@onrr.gov>
Subject: FW: Expedited Review of dra le tter ... "Fatal Flaws Only"
Importance: High

Rachael,

Fatal Flaw review needed.

OCL would like your approval of the attached response to Senator Borrasso. It addresses oil and gas leasing and perming on f ederal lands and SO 3395. It does menon the impact on GA OA funding and the impact on revenues.

We need your review of the response and surname (approval email) for OCL by 11:30 tomorrow.

I've copied ONRR for situaonal a wareness.

Please disregard the prior incomplete email and use his one. The key board on the laptop is just too small and I must have hit the wrong key.

Thanks!

George

George Triebisch
Chief of Staff

Office of the Assistant Secretary - Policy, Management and Budget
1849 C Street NW, Room 5116
Washington DC 20240
Office: 202-208-2495
Cell: 202 236-0995

From: Salo, Christopher <Chris_Salo@ios.doi.gov>
Sent: Thursday, February 18, 2021 6:16 PM
To: Wilkinson, Patrick <P2Wilkin@blm.gov>; Tilton, Edward L <Edward.Tilton@boem.gov>; Fleming, Julie S <Julie.Fleming@bsee.gov>; Triebsch, George F <george_triebsch@ios.doi.gov>
Cc: Howarth, Robert G <Robert_G_Howarth@ios.doi.gov>
Subject: Expedited Review of draft letter ... "Fatal Flaws Only"

All -

We are clearing the attached draft response to the incoming letter from Sen. Barrasso on implementation of SO 3395 for signature by the Acting Secretary. Incoming is also included.

The draft has been reviewed by ASLM and front hallway staff, but we want to make sure we get signoff from your principals. We are looking for errors or fatal flaws in the letter.

I would like your bureau's (office, George!) principal surname by 11:30 a.m. tomorrow. Please let me know if you have any questions or if you run into any problems.

Chris

DRAFT DOCUMENT
Not Subject to Release

The Honorable John Barrasso
United States Senate
Washington, DC 20510

Dear Senator Barrasso:

Thank you for your letter dated February 4, 2021, ~~letter~~ regarding implementation of Secretary's ~~Order~~ Order 3395 (SO 3395 or order) ~~(S.O. 3395 or order)~~ entitled, "Temporary Suspension of Delegated Authority," with respect to oil and gas operations managed by the Bureau of Land Management (BLM).

In order to allow the incoming Biden-Harris administration the opportunity to review pending actions for consistency with the priorities of the new administration, S-O- 3395 provides for a targeted and time-limited suspension of delegated authority, elevating a range of decisions for senior leadership to review questions of fact, law, and policy. -The order is in effect for 60 days, or until any of its provisions are amended, superseded, or revoked.

The order, which is currently being implemented nationwide, does not limit existing operations under valid leases— it is applicable only to those actions identified in the order—and it does not preclude the issuance of leases, permits, and other authorizations by the leadership officials specified in Section 4. With respect to pending BLM actions, all of ~~the~~ BLM's State Offices were provided with the same information regarding the need to elevate review of actions under the order.

In particular, while S-O- 3395 is in effect, the standard procedures and timelines for processing Applications for Permit to Drill (APDs) will continue under established regulations. This is also true for APD extensions and lease extensions. Lease suspensions will continue to be considered as existing operations and will be processed on a case-by-case basis.

Regarding authorization of ground-disturbing activities, Section 3(c) of S-O: 3395 makes clear that all requests for approval of such activities will receive elevated review;—this includes rights-of-way, easements, or any conveyances of property or interests in property, including land sales or exchanges. Decisions related to existing infrastructure, such as sundries and amendments on pads with approved APDs, that would not increase surface disturbance are not subject to elevated review under the the Secretary's ~~Order~~ order.

S-O: 3395 only temporarily suspends the delegations of authority to certain Department of the Interior (Department) ~~at~~ Bureaus and Offices, and the Department of the Interior (Department) is committed to timely review of elevated decisions. As a result, it is not anticipated that the implementation of the elevated review will result in detrimental impacts. -A review of the

Formatted: Line spacing: single

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Font: Not Italic

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single

Formatted: Space After: 0 pt, Line spacing: single

DRAFT DOCUMENT
Not Subject to Release

number of pending APDs prior to the issuance of the order and the number today does not show a significant impact, and the Department continues to process permits and other matters. Moreover, ~~the President Biden's~~ action in Executive Order 14008 (E-O 14008), entitled Tackling the Climate Crisis at Home and Abroad, ~~allows~~ development to continue on valid existing leases, ensuring that royalty payments to State governments and the Federal Treasury will continue. ~~The Department is implementing a pause on new oil and natural gas leases on public lands and offshore waters, consistent with applicable law, pursuant to Section 208 of E-Executive Order 14008 to allow for the required comprehensive review and reconsideration, required by the President's Order.~~

Finally, the temporary suspension of delegated authority for actions described in S-O- 3395 applies only to non-Indian Federal lands. ~~In response to questions from Indian Tribes, the Department clarified this matter, but because the order did not ever apply to actions taken with respect to Indian Tribal and individual trust and restricted lands, there was no necessity for a redelegation.~~

In sum, S-O- 3395 has only temporarily changed the delegation of authority for decisions listed in Section 3 of the order, for which permits and other decisions continue to be the subject of timely reviews and approvals, as appropriate. ~~The SO 3395 order~~ does not impact the Department's existing ongoing operations. The suspension of delegated authority and elevated review is applicable to only those actions listed in Section 3, and any actions necessary in the event of an incident that might pose a threat to human health, welfare, or safety will continue without elevation.

Thank you for your continuing interest in the Department ~~of the Interior~~ and its programs.

Sincerely,

Scott A. de la Vega
Acting Secretary of the Interior

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single

Formatted: Space Before: 0 pt, Line spacing: single