

Biden's Moratorium on Oil and Gas Drilling May Have Been Dealt a Fatal Blow by the Court

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Days after President Biden took office in January 2021, he issued an executive order that put a moratorium on new oil and natural gas leases and drilling permits on federal lands. 13 states filed lawsuits against the executive order. Last week, US District Court Judge Terry Doughty issued a permanent injunction blocking the leasing moratorium because President Biden “lacked any authority” to implement the policy under the Mineral Leasing Act (MLA) and Outer Continental Shelf Lands Act (OCSLA) which regulate federal leasing on public lands and waters. He wrote: “Even the President cannot make significant changes to the OCSLA and/or the MLA that Congress did not delegate.” The White House may appeal the ruling.

A federal district court blocked the Biden administration's moratorium on federal oil and gas leasing, a potentially fatal blow to the policy that has been tied up in a legal battle since early 2021.

U.S. District Court for the Western District of Louisiana Judge Terry Doughty issued a permanent injunction blocking the leasing moratorium in a ruling late Thursday evening.

Doughty wrote that President Biden “lacked any authority” to implement the policy under the Mineral Leasing Act (MLA) and Outer Continental Shelf Lands Act (OCSLA) which regulate federal leasing on public lands and waters.

“The Court finds Section 208 of Executive Order 14008 is ultra vires, beyond the authority of the President of the United States, and in violation of the OCSLA and the MLA,” he wrote in the opinion. “Even the President cannot make significant changes to the OCSLA and/or the MLA that Congress did not delegate.”

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