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JOE BIDEN · Published August 19, 2022 5:16pm EDT

Biden's oil, gas moratorium dealt potentially fatal blow by federal court

Oil and gas leasing moratorium "beyond the authority" of Biden, court rules



By **Thomas Catenacci** | **FOXBusiness**

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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."

Biden issued Executive Order 14008 — titled the "Executive Order on Tackling the Climate Crisis at Home and Abroad" — on Jan. 27, 2021, days after taking office. The

action ordered the Department of the Interior (DOI) to pause new oil and natural gas leases, a policy [Biden pledged to pursue](#) during his 2020 campaign, while it conducts a review of the federal leasing program.

BIDEN APPROVES LARGEST OIL, GAS LEASE SALE IN US HISTORY, STEAMROLLS ECO REVIEW WITH INFLATION BILL

The DOI completed the review in late November.

President Biden speaks about gas prices on Nov. 23. (Alex Wong/Getty Images) (Photo by Alex Wong/Getty Images / Getty Images)

"President Biden's executive order to choke off energy development didn't just increase prices and hurt American families — it was flatly illegal," Montana Attorney General Austin Knudsen said in a statement after Doughty issued his ruling Thursday. "This decision is a victory for the rule of law and the workers and the rural communities who depend on the energy industry."

In March 2021, Montana joined a 13-state coalition challenging the moratorium. Three months later, Doughty issued a preliminary injunction blocking the policy from going into effect.

BIDEN ADMINISTRATION UNVEILS OIL AND GAS DRILLING PLANS, GUTTING TRUMP-ERA FRAMEWORK

However, the Biden administration appealed the decision, arguing the president had the authority to pause leasing. On Wednesday, the Fifth Circuit Court of Appeals [sent the case back](#) to Doughty on a procedural matter, leading to his permanent injunction Thursday.

Oil rigs are pictured in Douglas, Wyo. (Leah Millis/The Casper Star-Tribune via AP, File)

"This decision is a significant step toward ending the ongoing uncertainty over the future of energy development on federal lands and waters," Frank Macchiarola, the American Petroleum Institute's (API) senior vice president of policy, economics and regulatory affairs, said in a statement Friday.

While both the OCSLA and MLA outline processes for the president to modify the leasing programs, the two laws don't enable a complete pause, according to API.

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The federal government may choose to appeal the lower court ruling.

The White House didn't respond to a request for comment.

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bubbigie · 1 day ago



Executive Orders are intended Only for emergency situations where Congress can't convene in a timely manner to pass needed legislation.

To that end Executive Orders should have a time deadline to be confirmed by Congress to remain in force. 90 days should be adequate considering how ineffective Co...**See more**

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daeljuma210 · 1 day ago



No, that is not at all correct. Executive orders are instructions given to employees of the executive branch of government. They instruct those employees and clarify policy. They do not create law, even in emergency situations.

This judge ruled exactly right.

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9

9312_people · 1 day ago

People keep saying 2A is to prevent tyranny. Well... are we there yet?

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p

po-am · 1 day ago

Once again. When asked about the legitimacy or legality or Constitutionality of a specific decision he has made, Biden responds with versions of the same comment--that he doesn't know, but his people told him to go ahead and do it and then wait and see if anyone challenges it. Apparently, that is h...See more (Edited)

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4325air · 1 day ago

To your comment, po-am, you could add Pelosi's Policy of "we have to pass it before we can read it."

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paladinm · 1 day ago

This will be promptly and completely ignored by the Biden regime. His base is clamoring for him to act unilaterally, bypassing Congress and ignoring the courts. And 90% of the employees of the executive branch are hard-core Democrat operatives, who will do whatever their party tell them.

The morat...See more

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F

food4thought369 · 1 day ago

Yes, and the damage is done. The whole traditional energy industry has become a risky investment due to the ensuing uncertainty. Exactly what the ruling elite were going for.

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1 reply

H

hvoc · 1 day ago

You realize he already paused it long enough to do what he wanted, right? The DOI finished the review back in November.

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L

lostlink_returns · 1 day ago

Biden was trying to use authority he hadn't been granted through the legislative process. This time the judicial system seems to have gotten it right, overriding an executive branch power grab.

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M MurrayL · 11 hours ago ...

Yeah but it's not over! They appeal everything! Wait for the Supreme Court I guess and the fall election and it's aftermath! So much for their oath to uphold the Constitution! What a joke!

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B bowzer4170 · 1 day ago ...

It would be informational if someone would compile a list of all Aviator Joe's ruling that the courts overturned prior to the November elections. It would illuminate the level that democrats are going in their attempt to grab autocratic power.

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 stilicho · 1 day ago ...

Brandon couldn't fly a kite-pls don't call him an aviator.

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 6 replies

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N noitanimirscid · 1 day ago ...

People are not against alternative energy. It just has to make sense without killing the existing energy sources and using taxpayer subsidies. Our economy is tanking because of inflation due to high petroleum costs which affect EVERYTHING. Biden needs to completely reverse his position on energy.

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 saveenergyguy · 1 day ago ...

or at least SLOW DOWN the conversion to solar, until we figure out how to store it efficiently and cheaply. But the real goal is not carbon or pollution, it is about paying back all the billions the environmental groups donated to Democrats.

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 deeda1947 · 12 hours ago ...

If it were up to Joe Biden every gas station across our country would be closed by now. This crazy idea Biden and his administration has of forcing all Americans to buy EV's and solar panels for the roofs of their houses is not going to work. The country is nowhere near being able to go to solar en...[See more](#)

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 2 replies

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G grumpytexan · 1 day ago ...

Former U.S. Defense Secretary Robert Gates famously observed in his memoirs that former Senator and Vice President Joe Biden "has been wrong on nearly every major foreign policy and national security issue over the past four decades."

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P phrogflyer69 · 1 day ago ...

Truer words were never spoke.

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G gmonroe887 · 2 hours ago ...

True, but EVs are already baked into the cake. GM and all the auto companies have already largely shut down their new gasoline engine design departments, and are just milking current designs for most of their cars for the next decade or so.

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F freepeople660 · 1 day ago ...

The Big Guy's supporters can still do their part to slow fossil fuel consumption: Turn off their nat gas, propane, and oil furnaces this winter. They can show us how much they care instead of just telling us. Slow down on the freeway too.

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K8AK · 1 day ago ...

In addition, they should not fly or go on a cruise. Those two industries pollute the air and water...24/7/365

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2 replies

8 86manatee · 19 hours ago ...

Air Force 1 is a new and improved electric plane right? Is that what he takes to the beach every weekend?

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1 reply

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E Edward208 · 1 day ago ...

...Well ..."Beyond the Authority"....pretty much sums up the administration so far....

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2 replies

truthastounds · 1 day ago ...

Prediction:

Oil companies crank it back up, gas prices fall, Biden takes credit.

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O **Ou16276** · 1 day ago ...

More like the recession destroys demand causing gas prices to fall. And Biden will take credit but deny 5here is a recession. This has already happened.

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3 replies

R **realityisscary** · 1 day ago ...

The great part about it. He has already said that he has no control of gas prices.

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2 replies

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