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Attorney General Steve Marshall Joins 13-State Coalition Filing Suit to Stop the Biden Ban on New Oil and Gas Drilling on Federal Lands

(MONTGOMERY) – Attorney General Steve Marshall joined 12 other state attorneys general in filing suit today to block the Biden administration's ban on all future oil and gas leasing and drilling permits on federal lands, threatening America's energy independence.

“Seven days after President Biden was sworn into office, he issued an executive order declaring a moratorium on future oil and gas leasing and drilling permits on federal lands,” said Attorney General Marshall. “This action came immediately after the U.S. Department of Interior similarly halted oil and gas development and exploration under existing leases. The result is an effective ban by the Biden administration on a major component of America's strategy for energy independence. As gas prices have risen precipitously since Biden took office, his ban on future energy development on government lands is a direct affront to American families' livelihoods and our national security. I have joined with 12 other states in challenging the Biden administration's energy ban which violates both the Outer Continental Shelf Lands Act (OCSLA) and the Mineral Leasing Act (MLA).”

The Biden Ban purports to protect the environment, but instead it constitutes what is likely the single-largest divestment of revenue for environmental protection projects in American history, as portions of the oil and gas leasing fees go toward funding projects that protect the environment. Making matters worse, the agencies implementing the Order – the Bureau of Ocean Energy Management and Bureau of Land Management – rushed to stop long-planned lease sales without any consideration whether the Biden Ban complies with the law, the public good, or the procedural requirements of the Administrative Procedure Act.

To facilitate the Outer Continental Shelf's expeditious development, OCSLA directs the Secretary of the Interior to “administer the provisions of this subchapter relating to the leasing of the outer Continental Shelf.” To this end, OCSLA requires the Secretary to create a Five-Year Leasing Program and authorizes her “to grant to the highest responsible qualified bidder or bidders by competitive bidding, under regulations promulgated in advance, any oil and gas lease on submerged lands of the outer Continental Shelf” not covered by prior leases. OCSLA also requires the Department to review lessee requests for approval to explore and develop oil and gas resources.



States – including Alabama – are entitled to significant portions of the proceeds from Outer Continental Shelf leasing and production. The Mineral Leasing Act has similar provisions for onshore oil and gas development. These laws affirm Congress’s intent to responsibly use our own resources as a means of achieving energy independence.

For States specifically, the oil and gas leases provide significant environmental benefits because portions of the lease proceeds are invested into vital State environmental defense and restoration projects. In fact, each year the federal government returns billions of dollars to the States and environmental reclamation projects from OCSLA and MLA lease proceeds for critical environmental restoration and protection projects.

The lawsuit states, “The Outer Continental Shelf Lands Act and Mineral Leasing Act set out specific statutory duties requiring executive agencies to further the expeditious and safe development of the abundant energy. In compliance with those statutes, the Department of the Interior has for decades issued leases for the development of oil and natural gas on public lands and offshore waters.”

Alabama joined Alaska, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Texas, Utah and West Virginia in the lawsuit filed this morning in the United States District Court for the Western District of Louisiana.

The lawsuit is [linked here](#).