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Florida Attorney General's Office News Release

AG Moody Challenges Biden's Unlawful Keystone Cancellation



TALLAHASSEE, Fla.—Attorney General Ashley Moody is fighting for Florida jobs and the nation's energy independence by challenging President Joe Biden's unlawful executive order that cancelled construction of the Keystone XL Pipeline. Attorney General Moody is joining attorneys general from 22 states in an amended complaint in the U.S. District Court for the Southern District of Texas to block Biden's unconstitutional and unlawful attempt to cancel the Keystone Pipeline.

Attorney General Ashley Moody said, "Minutes after taking the oath of office, President Biden signed an unlawful executive order reversing an Act of Congress and eliminating Florida jobs. His order, halting construction of the Keystone Pipeline, is not only a jobs killer, it risks our nation's energy independence and national security—we all saw last month how quickly losing access to just one pipeline can cause chaos and uncertainty in a large portion of our country.

"I recently met with Congressman Neal Dunn, who has been speaking with Floridians in his district who lost work because of Biden's reckless order. We must help these Floridians get back to work. That is why, I am joining attorneys general from across our country to put an end to President Biden's unlawful executive order and resume construction of the Keystone Pipeline to get Floridians back to work, increase our energy independence and enhance our national security."

U.S. Representative Neal Dunn said, “Shutting down the Keystone XL project was a huge mistake. While the pipeline project is over a thousand miles away, the impact is now in our backyards as Floridians in the 2nd District have lost their jobs because of the Biden Administration’s decision. I’m grateful that Attorney General Moody is joining the Keystone XL lawsuit to preserve Florida’s wide array of opportunities and fight back against the Biden Administration’s job killing-policies.”

Berg Pipe President and CEO Ingo Riemer said, “Berg Pipe welcomes the decision of the Florida AG to challenge the KXL Pipeline cancellation in court. With almost 80% of our workforce either laid off or furloughed, Berg Pipe has been one of the first victims of the energy policy of the new Federal Administration in general, and of the KXL Pipeline cancellation in particular. We understand the importance of green energy and why it is a priority for the Administration. However, the transition from oil and natural gas cannot be implemented overnight. It is difficult to understand how politics can lead to an attempt to abruptly shut down an entire industry without an alternate industry fully established, force employees into unemployment, and send businesses to their demise.”

According to the attorneys general complaint, Biden’s order blocking the construction and operation of the pipeline is “contrary to law and an affront to the Constitution’s separation of powers,” as Congress expressly permitted the project in the 2011 Temporary Payroll Tax Cut Continuation Act. Further, Biden’s permit revocation and the administration’s attempts to carry it out do not comport with the Administrative Procedure Act, violate the non-delegation doctrine and are arbitrary and capricious.

The lawsuit asks the court to declare the section of Executive Order 13990 cancelling KXL’s cross-border permit unconstitutional and unlawful, and seeks to prevent the Biden administration from taking any action to enforce the permit revocation.

To read the complaint, click here.

To read the amended complaint, click here.

Attorney General Moody is joined in the effort to stop Biden’s unlawful executive order by attorneys general from: Alabama, Alaska, Arizona, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia and Wyoming.

Last month, following the cyberattack on the Colonial Pipeline, Attorney General Moody sent a letter to President Biden highlighting the national security risk that could be eased by lifting the executive order halting construction on the Keystone Pipeline. Attorneys general from across the country joined Attorney General Moody in the call for Biden to take action in the interest of national security.

To read the letter, click here.