

118TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
118-

RESOLUTION EXPRESSING DISAPPROVAL OF THE REVOCATION BY PRESIDENT BIDEN OF THE PRESIDENTIAL PERMIT FOR THE KEYSTONE XL PIPELINE

MARCH --, 2023.—Ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

_____ VIEWS

[To accompany H. Con. Res. 14]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the concurrent resolution (H. Con. Res. 14) expressing disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline, having considered the same, reports favorably thereon without amendment and recommends that the concurrent resolution be agreed to.

**H.CON.RES. 14, A RESOLUTION EXPRESSING DISAPPROVAL OF
THE REVOCATION BY PRESIDENT BIDEN OF THE PRESIDENTIAL
PERMIT FOR THE KEYSTONE XL PIPELINE.**

COVER PAGE/AMENDMENT

[Attachment—Insert Cover Page/Amendment]

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PURPOSE AND SUMMARY

The Resolution expresses disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

BACKGROUND AND NEED FOR LEGISLATION

The Keystone XL pipeline was intended to carry 830,000 barrels per day of oil sands crude and crude oil from Hardisty, Alberta in Canada to Steele City, Nebraska in the United States. The 1,200-mile pipeline was originally proposed in 2008. Canada granted the necessary permits for the Keystone XL pipeline in 2010, and the Keystone XL Pipeline was granted a Presidential permit in the United States to “construct, connect, operate, and maintain” the

pipeline in 2019. President Biden revoked the Presidential permit on January 20, 2021, through Executive Order 13990 (86 Fed. Reg. 7037) entitled, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”. Specifically, section 6 of the executive order formally revoked the permit, citing that the pipeline was not in the national interest given the Biden Administration’s climate goals.

On December 23, 2022, the Department of Energy released a report entitled, “Keystone XL Extension Permit Revocation: Energy Costs and Job Impacts.” The report indicated that the Keystone XL pipeline would have provided 50 permanent jobs when operational, as well as created between 16,149 and 59,468 jobs per year during the two-year construction phase. When the Keystone XL pipeline was cancelled, approximately 1,000 workers in the United States and Canada were negatively impacted. In terms of economic benefit, the Department of Energy estimated that the Keystone XL pipeline would have increased Gross Domestic Product (GDP) in the United States by anywhere from \$3.12 billion to \$9.61 billion per year.

COMMITTEE ACTION

On February 7, 2023, the Subcommittees on Energy, Climate, and Grid Security and Environment, Manufacturing and Critical Materials held a joint hearing entitled, “Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains,” on 17 pieces of legislation, including H.Con.Res. 14. The Subcommittees received testimony from:

- The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
- The Honorable Bernard McNamee, Former Commissioner, Federal Energy Regulatory Commission;
- Jeffrey Eshelman, II, President and Chief Executive Officer, Independent Petroleum Association of America;
- Katie Sweeney, Executive Vice President and Chief Operating Officer, National Mining Association;
- Raul Garcia, Legislative Director for Healthy Communities, Earthjustice; and
- Tyson Slocum, Director of the Energy Program, Public Citizen.

On February 28, 2023, the Subcommittee on Energy, Climate, and Grid Security met in open markup session and forwarded H.Con.Res. 14, without amendment, to the full Committee by a record vote of 15 yeas and 11 nays. On March 9, the full Committee

on Energy and Commerce met in open markup session and ordered H.Con.Res. 14 favorably reported to the House by a record vote of 28 yeas and 21 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

[Attachments—Insert Votes]

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.Con.Res. 14 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to increase American energy production and restore energy leadership by expressing disapproval

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 12**

BILL: H.Con.Res. 14, a resolution expressing disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline

AMENDMENT: A motion by Mrs. Rodgers to order H.Con.Res. 14 favorably reported to the House, without amendment (Final Passage).

DISPOSITION: **AGREED TO**, by a roll call vote of 28 yeas and 21 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone		X	
Rep. Burgess	X			Rep. Eshoo		X	
Rep. Latta	X			Rep. DeGette		X	
Rep. Guthrie	X			Rep. Schakowsky		X	
Rep. Griffith	X			Rep. Matsui		X	
Rep. Bilirakis	X			Rep. Castor		X	
Rep. Johnson	X			Rep. Sarbanes		X	
Rep. Bucshon	X			Rep. Tonko		X	
Rep. Hudson	X			Rep. Clarke		X	
Rep. Walberg	X			Rep. Cárdenas		X	
Rep. Carter	X			Rep. Ruiz		X	
Rep. Duncan	X			Rep. Peters		X	
Rep. Palmer	X			Rep. Dingell		X	
Rep. Dunn	X			Rep. Veasey		X	
Rep. Curtis	X			Rep. Kuster		X	
Rep. Lesko	X			Rep. Kelly		X	
Rep. Pence	X			Rep. Barragán		X	
Rep. Crenshaw				Rep. Blunt Rochester		X	
Rep. Joyce	X			Rep. Soto		X	
Rep. Armstrong	X			Rep. Craig		X	
Rep. Weber	X			Rep. Schrier			
Rep. Allen	X			Rep. Trahan			
Rep. Balderson	X			Rep. Fletcher		X	
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.Con.Res. 14 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII,

(1) the following hearings were used to develop or consider H.Con.Res. 14:

On January 31, 2023, the Committee on Energy and Commerce held a hearing entitled, “American Energy Expansion: Strengthening Economic, Environmental, and National Security.” The Committee received testimony from:

- The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
- The Honorable Paul Dabbar, Former Under Secretary of Energy, Department of Energy;
- Robert McNalley, President, Rapidan Energy Group, LLC;
- Donna Jackson, Director of Membership Development – National Center for Public Policy Research, Project 21; and
- Ana Unruh Cohen, Former Majority Staff Director, U.S. House Select Committee on the Climate Crisis.

(2) The following related hearing was held:

On February 7, 2023, the Subcommittees on Energy, Climate, and Grid Security and Environment, Manufacturing, and Critical Materials held a joint hearing entitled, “Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains,” on 17 pieces of legislation, including H.Con.Res. 14. The Subcommittees received testimony from:

- The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
- The Honorable Bernard McNamee, Former Commissioner, Federal Energy Regulatory Commission;

- Jeffrey Eshelman, II, President and Chief Executive Officer, Independent Petroleum Association of America;
- Katie Sweeney, Executive Vice President and Chief Operating Officer, National Mining Association;
- Raul Garcia, Legislative Director for Healthy Communities, Earthjustice; and
- Tyson Slocum, Director of the Energy Program, Public Citizen.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.Con.Res. 14 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1 expresses disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline through the issuance of Executive Order 13990 (86 Fed. Reg. 7037).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

MINORITY VIEWS

[Attachment--Views]

H.Con.Res 14 expresses disapproval of President Biden's executive order revoking the Presidential permit for the Keystone XL pipeline. We support the Biden Administration's decision to revoke the pipeline, and disagree with the views in the Committee's report. The pipeline would have had devastating impacts on greenhouse gas emissions and the local environment surrounding the pipeline without significantly increasing the supply of gasoline available to American consumers or lowering the domestic price of gasoline.

When the Keystone XL project first applied for a Presidential permit in 2012, the process of granting a Presidential permit was granted by Executive Order 13337.¹ Under that executive order, crude oil pipeline applicants applied to the Department of State (DOS) for a Presidential permit, and DOS would make a determination of whether or not the project served the national interest. If DOS determined that the project did not serve the national interest, then DOS was required under the terms of the executive order to deny the permit.

On November 6, 2015, then-Secretary of State John Kerry released a final record of decision from DOS which determined that the Keystone XL pipeline would not serve in the national interest.² Accordingly, its application for a Presidential permit was denied. The Trump Administration attempted to revive the project several times and improperly skirt bedrock environmental statutes such as the National Environmental Policy Act in doing so.^{3,4,5} On January 20, 2021, President Biden utilized his authority under the permit to revoke it, while invoking DOS' original 2015 determination that the pipeline was not in the national interest.⁶ Nearly two years ago, on June 9, 2021, the pipeline's developer, TC Energy, confirmed that it was ceasing development of the pipeline, effectively killing the project.⁷

A report from the Government Accountability Office that came out later that year reinforced the President's decision. The report noted that the original Keystone pipeline had serious defects related to its design, manufacturing, or construction that had caused oil spills of increasing severity, including one in 2019 that released over 4,500 barrels of oil from the pipeline.⁸ Additionally, experts have found that the cancellation of the Keystone XL pipeline had no impact on gas prices.⁹

¹Exec. Order No. 13337, 69 Fed. Reg. 25299 (May 5, 2004).

²U.S. Department of State, *Record of Decision and National Interest Determination: TransCanada Keystone Pipeline L.P. Application for Presidential Permit* (Nov. 6, 2015).

³*Presidential Memorandum Regarding the Construction of the Keystone XL Pipeline*, 82 Fed. Reg. 8663 (Jan. 30, 2017).

⁴U.S. Department of State, *Record of Decision and National Interest Determination: TransCanada Keystone Pipeline L.P. Application for Presidential Permit, Keystone XL Pipeline* (Mar. 23, 2017).

⁵Executive Office of the President, *Authorizing TransCanada Keystone Pipeline, L.P., To Construct, Connect, Operate, and Maintain Pipeline Facilities at the International Boundary Between the United States and Canada*, 84 Fed. Reg. 13101 (Apr. 3, 2019) (presidential document).

⁶Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan. 20, 2021).

⁷*Developer abandons Keystone-XL pipeline project, ending decades-long battle*, NPR (June 9, 2021).

⁸Government Accountability Office, *Pipeline Safety: Information on Keystone Accidents and DOT Oversight* (July 22, 2021) (GAO-21-588).

⁹*High gas prices falsely attributed to Keystone XL cancellation*, Associated Press (Mar. 17, 2022).

Minority Views for H.Con.Res. 14

For the reasons stated above, we dissent from the views contained in the Committee's report.

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce