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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

DISSENTING VIEWS
H.R. 3: The “Northern Route Approval Act”

We oppose H.R. 3 because it would have the United States bear all of the environmental risk of transporting dirty tar sands oil without ensuring that American consumers or our energy security realize any of the benefits. The Keystone XL pipeline would end in Port Arthur, Texas and other designated foreign free trade zones where it could be exported without having to pay excise taxes. The president of TransCanada, the company proposing to build the Keystone XL pipeline, has refused to commit that the fuel produced from tar sands oil transported through the Keystone pipeline will actually stay in the United States to benefit our consumers. The Majority’s legislation would do nothing to prevent the oil and refined fuels from the Keystone XL pipeline from simply being re-exported out of America.

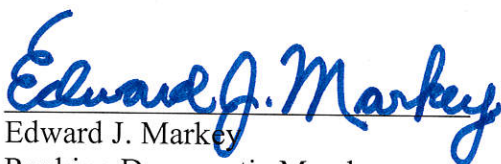
This legislation would completely ignore the lessons from recent pipeline spills. In April of 2013, a pipeline owned by ExxonMobil carrying heavy crude oil from the tar sands region of Canada ruptured in the town of Mayflower, Arkansas, spilling thousands of barrels of oil into marsh areas and populated neighborhoods. Yet the Majority’s legislation would waive critical environmental laws such as the Endangered Species Act, National Environmental Policy Act (NEPA) National Historic Preservation Act, and the Migratory Bird Treaty Act for the approval of the Keystone XL pipeline.

The Majority’s legislation would also do nothing to close a loophole that currently allows oil companies importing tar sands oil to avoid paying into the Oil Spill Liability Trust Fund, which is used to respond to and clean up oil spills. Because of a misguided ruling by the IRS that tar sands oil is, in fact, not oil for purposes of paying into the Trust Fund, this dirty oil currently gets a free ride through U.S. pipelines. The Government Accountability Office has already warned Congress that the Trust Fund is at risk of running out of money because of expensive cleanup efforts for major spills such as BP’s Deepwater Horizon disaster and the Enbridge pipeline spill in Michigan in 2010. The Obama Administration has proposed to close this tar sands tax loophole in its 2014 budget request.

The route of the proposed pipeline would cross through Indian Country near and potentially over, culturally significant areas to Tribal nations. It would also pass through or near burial grounds and other sacred places that are not held in trust by the federal government but exist in traditional and historic Tribal territories that have clear and ongoing Tribal interests. The National Congress of American Indians, the oldest, largest and most representative American Indian and Alaska Native organization in the country, has voiced concerns over these issues.

The Majority rejected an amendment from Energy and Mineral Resources Subcommittee Ranking Member Holt that would have ensured that all the oil and refined fuels from the Keystone XL pipeline actually stay in the United States and not be exported. The Majority also rejected an amendment from Representative Holt that would have closed the tax loophole that currently lets oil companies importing tar sands to avoid paying into the Oil Spill Liability Trust Fund. The Majority voted down an amendment from Representative Shea-Porter that would have ensured that H.R. 3 could go not take effect until the Secretary of Transportation completed a review of safety regulations to ensure they are sufficient to cover pipelines transporting tar sands oil. The Majority also rejected an amendment from Ms. Shea-Porter that would have required the company operating the Keystone XL pipeline to disclose all of its political contributions, following the *Citizens United* decision by the U.S. Supreme Court. Representative Hanabusa, Ranking Member of the Indian and Alaska Native Affairs subcommittee, offered an amendment that was unanimously voted down by Committee Republicans that would have ensured that cultural and sacred sites of Native American tribes are protected to the fullest extent possible during construction and operation of the Keystone XL pipeline.

This legislation represents a complete disregard of the impacts tar sands oil can have on our climate, our environment and our economy. Rather than ensuring that we have the proper protections in place for our environment, before we ship this dirty oil across this country, this bill forces us in the complete opposite direction; all while doing nothing to ensure that Keystone oil would enhance our energy security.



Edward J. Markey
Ranking Democratic Member
Natural Resources Committee



Rush D. Holt
Ranking Democratic Member
Subcommittee on Energy and
Mineral Resources