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Steve Marshall
Alabama Attorney General



For press inquiries only, contact:

Mike Lewis (334) 353-2199

Joy Patterson (334) 242-7491

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Attorney General Steve Marshall Joins 20 States in Filing Suit to Block Biden's Illegal Cancellation of Keystone XL Pipeline

(MONTGOMERY) – Alabama Attorney General Steve Marshall joined 20 other state attorneys general in filing suit to block President Joe Biden's unconstitutional attempt to kill the Keystone XL pipeline. The multistate lawsuit led by Montana and Texas was filed Wednesday in the U.S. District Court for the Southern District of Texas.

"Hours after being sworn into office, President Biden revoked the Keystone XL pipeline permit through an executive order despite having no legal grounds to do so," said Attorney General Marshall. "The president is not constitutionally empowered to cancel the international contract, and his illegal action will cost numerous jobs in [Alabama](#) and over 40,000 jobs nationwide, needlessly harming our nation's workers, energy independence, and security."

The multistate lawsuit makes clear that only Congress has the legal authority to approve or cancel the pipeline permit. "The decision to provide or withhold permission to construct and operate an oil pipeline across the international border with Canada is a regulation of international and interstate commerce. Under the Constitution, this power resides with Congress." It follows that "President Biden's decision to revoke the Keystone XL permit exceeded the scope of his authority under Article II of the Constitution."

The attempt to block the construction and operation of the pipeline is also "contrary to law and an affront to the Constitution's separation of powers," as Congress expressly permitted the project in the Temporary Payroll Tax Cut Continuation Act of 2011. The act required President Obama to grant the application to construct and operate the cross-border facilities or report within 60 days to Congress why he thought the pipeline disserved the national interest. If he failed to grant the permit or make a negative national interest determination within that time, the act provided that the Keystone XL permit "shall be in effect by operation of law." Obama signed the bill into law, but then denied the permit because, he complained, Congress had not given him enough time to consider the matter. He did not, however, report to Congress why he thought the Keystone XL pipeline disserved the national interest – which means the pipeline was authorized by default rule.

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

The Keystone XL pipeline would cross into the United States in northern Montana, proceed through South Dakota and terminate in Nebraska where it would connect to other existing pipelines that travel to state-of-the-art refining centers, predominantly along the Gulf Coast. Approximately 830,000 barrels of crude oil per day would be transported through the



pipeline, ensuring a reliable domestic and global energy source, bolstering U.S. energy independence and global leadership. An estimated 42,100 jobs with \$2 billion in associated earnings throughout the United States would be created. Additionally, communities along the pipeline's path would be infused with tens of millions of dollars in tax revenue. And workers like those at [Berg Pipe](#) in Mobile, Alabama, would benefit from work manufacturing supplies needed to complete the pipeline.

In addition to Alabama, 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 have joined the lawsuit as plaintiffs.

A copy of the lawsuit is [linked here](#).