

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

February 1, 2012

The Honorable Fred Upton
Chairman
Energy and Commerce Committee
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Ed Whitfield
Chairman
Subcommittee on Energy and Power
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton and Chairman Whitfield:

I have reviewed Chairman Whitfield's January 30, 2012, letter to Koch Industries regarding Friday's hearing on the Keystone XL pipeline, a copy of which is enclosed. I was surprised at the letter's content and tone. It appears that Koch Industries is receiving special treatment from the Committee. I am writing to inquire why.

Last year, my staff asked Koch Industries whether it had an interest in the Keystone XL pipeline. Koch categorically denied reports that it would be a "big winner" if the project were built, and Chairman Upton said the suggestion that Koch Industries had an interest in the project was an "outrageous accusation" and a "blatant political sideshow."¹ However, we subsequently learned that a Koch Industries subsidiary had filed official documents with the Canadian National Energy Board claiming "a direct and substantial interest" in the Keystone XL pipeline.²

¹ House Committee on Energy and Commerce, Opening Statement of Chairman Fred Upton, *Hearing on the American Energy Initiative - Day 8*, 112th Cong. (May 23, 2011) (as prepared for the record) (online at: <http://republicans.energycommerce.house.gov/Media/file/Hearings/Energy/052311/Upton.pdf>).

² *Id.*

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In effect, Koch told the Canadian government it has a direct and substantial interest in the project and then told us the exact opposite.

If our Committee is going to consider legislation that earmarks a specific energy project for approval, members have a right to know who will benefit. Your priority should be promoting transparency, not shielding Koch from legitimate questions.

I hope you will reconsider your approach and invite Koch to attend.

Sincerely,



Henry A. Waxman
Ranking Member