

they have backed away from that rather than stepped forward.

We seem to be unwilling to step forward and embrace this great opportunity that is so much more than the jobs for just the pipeline itself.

I filed two amendments today on the pipeline bill—the topic we are talking about, the topic my good friend from North Dakota has done so much to bring attention to since the day he arrived in the Senate.

It was 4 years ago, when the Keystone XL Pipeline application was only 2 years old at the time. Now 6 years later, we are continuing to miss an opportunity. It seems that on this topic, as once was said about seeking a solution to the Middle East, we can't seem to miss an opportunity to miss an opportunity.

But the two amendments I have filed deal with a couple of critical issues that relate to our energy future and our infrastructure future. One would be a community affordability amendment where we would have to have a study to look at the impact that all of these EPA regulations have on communities. These are EPA's unfunded mandates on communities, where they tell communities they have to do things but really don't give the community any idea how to pay for it.

The Presiding Officer and I are from two States that have many small communities. Those small communities often have a water system, a sewer system, and a storm water system, and the EPA comes in and says: Here is what we want you to do—maybe not with one of those, maybe with all of those—the air quality, the water quality.

I know the EPA has one regulation on water where the solution can't cost more than 2 percent of the median income over a specific period of time.

Now, 2 percent of your income, if you haven't been paying it for your water bill, your sewer bill or your whatever bill—2 percent of your income is taken right off the top of your income. It makes a difference to most families, but at least there is a cap there. But you can have that 2 percent on increasing the cost of the water system and another 2 or 4 or 5 percent on increasing the storm water system, and somebody has to pay those bills.

What this amendment does is suggest that we figure out who is paying those bills, what is a reasonable way to pay those bills, and how those bills can be paid. We know on the Senate floor, and the President knows, and the EAP knows who pays those bills and the people who have access to those services. There is no mythical payee here. The person who pays your utility bill is you, and if there is increased cost to the utility system, that comes to you. The person who pays your water bill is you.

So I believe we need to have a coordinated effort to see how those projects impact communities, impact families, and understand how this works.

So this amendment that I filed today directs the EPA to collaborate with the National Academy of Public Administration to review existing studies of costs associated with major EPA regulations. The amendment also directs the administration to determine how different localities can effectively fund these projects. The end result would be to come up with a working definition of a phrase they use a lot—individual and community affordability—but I can't find any evidence that this phrase—individual and community affordability—really means anything.

The amendment I filed today has already been endorsed by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and the chamber of commerce in my hometown, Springfield, MO.

The other amendment I am filing, submitted as a sense of the Senate, is that the President's U.S.-China greenhouse gas amendment would be looked at in a different way. This amendment is cosponsored by my colleague from Oklahoma, Senator INHOFE. It talks about the agreement negotiated between the President and the People's Republic of China and, in fact, says this agreement really has no force and effect because frankly, Mr. President, it already has no force and effect in China. Of the two parties the President says have agreed to this, we are the only one who would have to do anything. We think this is a bad idea—Senator INHOFE and I—and I think others will join us. It is a bad deal for our country, it is economically unfair, it is environmentally irresponsible, and once again it produces exactly the opposite result of what we would want.

First of all, I think the Constitution is pretty clear on agreements negotiated between countries. There is a Senate role to be played. It requires the advice and consent of the Senate. The Senate should insist we do that job. Whether it is here or on any other agreements with other countries, those agreements need to be consented to by the Senate. It happens to say that in the Constitution.

These agreements, under this amendment, also would have to be accompanied by actions that may be necessary to implement the agreement, including what it costs to implement. The amendment says the United States should not sign bilateral or other international agreements on greenhouse gases that will cause serious economic harm to the United States. It also says the United States should not agree to any bilateral or international agreement imposing unequal greenhouse gas commitments on the United States.

The reason I filed this amendment is simple. The agreement the President unilaterally negotiated with China and announced last November is a bad deal for workers and a bad deal for families, whether those workers are in Missouri or Arkansas or anywhere else in the country today. The agreement requires

the United States to reduce greenhouse gas emissions from 26 to 28 percent below the 2005 levels by 2025. It allows the Chinese to increase their emissions until 2030.

So last night the President said in his State of the Union Address that the United States will double the pace at which we cut carbon pollution and China committed for the first time to limiting their emissions. Well, let's be very frank about that. The President is actually right. He has agreed that we would double the pace, somewhere around 26 to 28 percent below the 2005 levels in the near term, but the Chinese have agreed actually to be allowed to increase their emissions for another 15 years and then they would consider—they would consider—reducing emissions after that. What this does is drive jobs and opportunity to China and other countries that care a lot less about what comes out of the smokestack than we do. We lose the jobs we otherwise would have had. We try to solve a global problem on our own even though we have made great strides already, some of which were cost-effective, but they get less cost-effective all the time.

I am grateful my colleagues allowed me to have a few extra minutes. I have filed these amendments, and we will be talking more about them and the Keystone XL Pipeline issue over the next few days. I look forward to having a vote on these amendments and the vote on the Keystone XL Pipeline.

I yield the floor.

THE PRESIDING OFFICER. The assistant Democratic leader.

MR. DURBIN. Mr. President, it is my understanding that we are in morning business and the minority is now entitled to 30 minutes.

THE PRESIDING OFFICER. The Senator is correct.

#### KEYSTONE XL PIPELINE

MR. DURBIN. Mr. President, I wish to speak in morning business on the pending issue on the floor, and I am glad my friend and colleague from North Dakota, Senator HOEVEN, is on the floor as well. Perhaps we can do something unprecedented and actually have a dialogue on the issue, if the Senator is open to that suggestion. After I make some opening remarks, I will try to request that through the Chair but only if the Senator is interested.

THE PRESIDING OFFICER. The Senator from North Dakota.

MR. HOEVEN. Mr. President, I certainly would welcome that opportunity and look forward to joining the Senator from Illinois in that dialogue.

MR. DURBIN. I thank the Senator from North Dakota and warn him that we are getting perilously close to a Senate debate, which almost never happens. So we want to alert all the news bureaus that this might even turn into a debate on the floor of the Senate.

This is Senate bill 1. It is the highest priority of the Senate Republican majority. It is their first bill in the majority. They decided their first bill would be the Keystone XL Pipeline bill. The Keystone XL Pipeline is not owned by an American company; it is owned by a Canadian company, is my understanding, TransCanada. What they are doing is shipping tar sands from Canada—at least it is proposed here—into the United States, across the Midwest, to be refined in Texas and then turned into refined oil products, which could include, of course, gasoline, diesel fuel, jet fuel, and other things.

Yesterday we had two votes on the floor of the Senate about this pipeline and what it is going to produce, and they were interesting votes.

In the first vote we said: Well, if we are going to have this pipeline come into the United States of America and bring Canadian tar sands to be refined, then whatever oil it produces, the products it produces, should be used in America to help Americans reduce the cost of gasoline, to make it cheaper for manufacturing concerns to use their products.

The Republicans rejected that notion that the oil and products produced by the Keystone XL Pipeline would be used in America. They rejected that. I think the vote was 57 to 42. Three or four Democrats joined them, but all of the Republicans, if I am not mistaken, voted to say the products coming out of this pipeline wouldn't be used in America.

Then we offered a second amendment. The second amendment said: Well, if we are going to build this pipeline—and a lot has been said about this being the Keystone jobs bill—shouldn't we use American steel, use American products to build it so that it truly does create jobs in the steel industry and demand for steel products?

The Republicans rejected that amendment as well. So their idea of a Keystone jobs pipeline is a pipeline that produces a product that won't be sold in America and a pipeline that is built with foreign steel. That is their idea of an American jobs bill?

There is also another aspect of this, on which I have introduced an amendment. There is a dirty little secret about this Keystone XL Pipeline which we will get to vote on today. This is what it comes down to. For the longest time nobody looked at Canadian tar sands as a viable source of a product that could be refined into gasoline or diesel fuel. The reason it was never considered viable was the price of a barrel of oil was too low. They knew that in these tar sands up in Canada, there was the potential of drawing oil after they went through a lengthy and expensive process, and they couldn't afford it until the price of oil started knocking on the door of \$80, \$90 and \$100, and then Canadian tar sands became viable. They could afford to refine the product and make some money. And that is what happened.

The Canadian tar sands were developed in Alberta, and they were shipped to the United States and other places to be refined. In fact, the first Keystone pipeline, I would argue—although it went by a different name—actually went to Illinois. It went to Wood River, IL, to the Conoco refinery, and I have seen it. I have seen the refinery since it has been receiving these tar sands.

The reason why it is more expensive to use Canadian tar sands to produce oil products is you have to take out the tar sands. That is a viscous, nasty product that has to be dealt with with extraordinary refining capacity, which they developed at Wood River, what is now the Phillips refinery. I have seen it.

The dirty little secret about this process is that after they have taken off the worst parts of it—the parts that are not really economically valuable to most—they have to do something with it, and it turns out that in this process they generate huge amounts of what is known as petcoke. Petcoke is the by-product of Canadian tar sands. Petcoke is what is left over after they take what is valuable out of Canadian tar sands. And there is a lot of it.

Proponents of the bill would like to tell you the pipeline won't have any harmful environmental impact, but a lot of communities across America know better—Detroit, Chicago, and Long Beach, CA, for three. These communities have seen what happens when big refineries near their homes start processing large amounts of Canadian tar sands.

Let me show an illustration. This is from the city of Chicago—the city of Chicago. This is a Chicago neighborhood. If you didn't know better, you would assume it is someplace in a remote area. It is not. This Chicago neighborhood looks an awful lot like Little Rock, AR; Fargo, North Dakota, except take a look at what is next door to these little bungalows and homes. This is a petcoke dumpsite.

The British Petroleum refinery receives Canadian tar sands in Whiting, IN, refines them, and the leftover product—this petcoke sludge—is shipped over to the city of Chicago, where it is deposited in piles that are three- and four-stories high. I have seen them.

The residents started noticing these mountain-like piles of petcoke appearing right over the train tracks from their homes and at a local baseball field after the Whiting refinery began processing tar sands. You might imagine that on windy days, giant clouds of petcoke dust swirl above these storage piles and cover the neighborhoods. I have seen them. I have visited them. So these working families, when the wind is blowing in their direction, end up with this petcoke blowing into their homes, into the lungs of their children.

Often, the dust from these petcoke piles means that people living in the southeastern part of Chicago are forced to breathe dirty air that one organization—National Nurses United—says

causes severe health threats. You see, petcoke—this product from Canadian tar sands—contains heavy metals such as nickel, vanadium, and selenium. Nickel causes cancer. Chronic exposure to nickel can cause neurological and developmental defects among children. You can see this nasty petcoke on the windowsills and buildings around this neighborhood, but you can't see it in the lungs of the children until it is too late.

The National Institute For Occupational Safety and Health warns that inhaling nickel-laced dust increases your risk for lung cancer and fibrosis.

Petcoke dust also contains polycyclic aromatic hydrocarbons, which have been linked to cancer as well. And it is not just because the chemical composition of petcoke is toxic; the dust particles themselves are extremely dangerous. When you inhale petcoke, that dust can get trapped in your lungs, causing respiratory problems. Once in the lungs, these tiny particles can aggravate asthma, leading to premature death in people with heart or lung disease, and cause heart attacks.

Yesterday I made the point that when I visit schools across my State to ask how many students in the classroom know someone who has asthma, without fail, rural or urban schools, half the hands go up. I invite my colleagues to do the same. So anything we do to aggravate this asthma threat we face is something we ought to think about very carefully. Some safety documents even note that long-term exposure to petcoke might cause damage to the lung, liver, and kidney.

Because of petcoke dust, the city of Chicago has advised residents in this neighborhood and around it to limit the time they are outdoors. In addition, Mayor Emanuel and the city are working with residents and local environmental organizations to limit the amount of petcoke that can be stored in the city and to require that it be enclosed in facilities that would protect it from blowing around.

This isn't the first city in America to face this danger from Canadian tar sands, which will be transported, if built, by the Keystone XL Pipeline. The city of Detroit, shipping ports near Los Angeles, they have dealt with petcoke piles too. We need to do more.

Many of these cities have had to act because for years petcoke has been exempt from regulation under many Federal environmental laws, and it has not been forced to comply with Federal cleanup standards.

The Federal Government's views on the official side of the ledger—the regulatory side of the ledger is that these petcoke piles are benign, not to be worried about. The health information tells us they are wrong.

That is why I proposed an amendment to end petcoke's exemptions and require the EPA and Department of Transportation to promulgate rules on how to store and transport petcoke to protect public and ecological health. It

closes the environmental loophole for petcoke.

My amendment would require we make these changes before construction is allowed to begin on this pipeline. It is important because tar sands transported by the Keystone XL Pipeline—this Canadian company—will dramatically increase the amount of petcoke produced in this country.

In the year 2013 the United States produced a record amount of 57.5 million metric tons of petcoke.

According to the environmental impact statement for the Keystone XL Pipeline, the No. 1 priority of the Senate Republican majority, this pipeline will produce over 15,400 metric tons of petcoke every day.

Under current law all of this new petcoke would continue to be shipped to local communities for storage and disposal in the same large open piles we see in this photograph in Chicago. That isn't right. We in Congress should deal with the acres of petcoke piles that are already out there before we build a pipeline that will create 15,400 metric tons of it a day. Incidentally, the BP refinery that has created this mess is generating 6,000 tons a day. More than twice as much will come out of the Keystone XL Pipeline, the No. 1 Republican Senate majority issue, S. 1, Keystone XL Pipeline, Canadian company, 35 permanent jobs but 15,400 metric tons of petcoke every single day somewhere in America.

I hope my colleagues will support this amendment to treat petcoke for what it is. It is a dangerous byproduct that shouldn't be stored in open-air piles near neighborhoods, ballparks, children, and elderly people.

End the regulatory loophole for petcoke and establish reasonable guidelines for handling this dangerous material. This would help ensure that clean air and clean water is something everyone can enjoy—even if you happen to have the bad luck of living in a neighborhood near a petcoke dump site such as this one near the city of Chicago.

I see the Senator from Minnesota is seeking recognition. I ask unanimous consent for the Senator from North Dakota and myself to enter into a 3-minute dialogue so we don't hold up my friend from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I know the Senator is a reasonable man and has been Governor of a State and understands responsibility.

Is it too much to ask that we regulate petcoke so it is not a public health hazard to the people who happen to live next door to these dumps?

Mr. HOEVEN. Mr. President, I appreciate the opportunity to respond to my esteemed colleague from the State of Illinois.

Of course the answer to the question is that in fact it is a regulated substance, and it is primarily regulated at the State and local level.

In the State of Illinois, for example, petcoke would be regulated by the State of Illinois. What I understand the Senator from Illinois to be saying is that he is dissatisfied with the way the State of Illinois has chosen to regulate petcoke.

But in fact the EPA has found that petcoke has a low hazard potential. According to the Congressional Research Service, most toxicity analysis of petcoke, as referenced by EPA, finds it has low health hazard potential in humans, has no observed carcinogenic, reproductive or developmental effects. In fact, it is a byproduct of not just oil from the oil sands but also some of the oils from California, Venezuela, and other places.

So it is a byproduct that in fact is recycled. It is used in products such as aluminum, steel, paint. It is used to produce electricity.

Here is a case of a product that actually can be and is in fact recycled. I would argue that what we want to do as we produce energy is continue to invest in these new technologies that will help us produce more energy but also do it with better environmental stewardship, which means we not only work on CCS, carbon capture and storage—which is a major undertaking in the oil sands right now; and I would be willing to engage in that discussion as well—but then also work to find uses for these byproducts in things such as steel and aluminum.

For example, the President last night talked about how the auto industry is making a resurgence, and he talked about the CAFE standards. One of the things they are doing in Detroit with new automobiles is they are using more aluminum in the construction of the cars to reduce the weight to try to meet those CAFE standards.

So here is a product from the oil sands oil that is actually used in aluminum to make those vehicles lighter to achieve one of the things the President talked about in the State of the Union Address last night as a byproduct from the oil sands oil.

So I appreciate the question and look forward to further dialogue.

Mr. DURBIN. Reclaiming for a brief followup. I want to make sure I understand the Senator's position.

The Senator's position is we should not establish any Federal standards on the safety of petcoke and leave it up to the States.

He also argues it is not a danger, it is not carcinogenic, and it is low hazard, in his words. I don't know if the Senator has seen petcoke neighborhoods that have this blowing into them.

I would just say to the Senator, this notion that somehow petcoke is going to be some fabulous discovery for new inventions—maybe it will, but at this point it is being sold to China and they are burning it to generate electricity. I would just try to imagine for a moment what is coming out of those smokestacks in China, where sadly the air pollution is awful at the moment.

I yield the floor, but I don't think it is adequate to say that the city of Chicago should be regulating this substance. We have a nation which will be affected by a national pipeline from this Canadian company. We ought to have a national standard to protect Americans from the dangers of petcoke. Whether we are talking about Fargo, Little Rock or Juneau, I wouldn't want to live this close to these petcoke piles.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I ask unanimous consent for 30 seconds for a simple point of clarification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, the characterizations of petcoke are from the EPA and from the Congressional Research Service.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STATE OF THE UNION ADDRESS

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the President's speech from last night. I think it was very important. It was a major event. All Members of Congress were there. To me, it was a call to action. It wasn't just ideas, it was about how to turn ideas into action. It was a strong speech focused on the middle-class economy and how we can strengthen our economy. I thought there was a lot of energy.

I know some of my colleagues in the last few months have predicted that the President was somehow going to slide down because of the actions he took on immigration or the actions he took on Cuba, and I think what we are seeing around the country is quite the opposite. I think people are excited that there is an energy, and they are certainly pleased we have seen some major improvements in the economy.

I would say to my colleagues across the aisle, whom I take at their word when they say they want to work with us to govern this country, that I think we know—if we didn't know it before, after last night—that the President is not going to be spending his next year-and-a-half slouched in an armchair planning his Presidential library. I think what we saw last night is a President who wants to get things done in his remaining time in office, and I think we see an energized country that also wants to get through the gridlock and move forward.

First of all, I think the President did a very good job of laying out the status of the economy, and I think it is very important, when there are so many numbers out there and information and people throwing things out, that we