

Mrs. BOXER. I am going to take 2 minutes, and then we will see if Senator COBURN wants to respond, and then we will give the last minute to Senator INHOFE.

There is a lot of misinformation about the flooding here. There is also the implication that this is not an important project, when I have already pointed out how many businesses are at risk, how many residences.

This project has gone through so many steps. First, the local people said: We want to step forward and pay toward solving this problem. Then, the Corps said: You are right. Let's do a cost-benefit study and see if it makes sense for Federal dollars to go into the mix. Well, it came back: Absolutely. Then they said: What is the best type of project? Should we build walls? What should we do? No. They said: The best type of project is to utilize the sand as a natural barrier to these floods.

What we are desperately trying to do is complete this project because we are very concerned we could have even a worse problem than we had in 2004.

As much as I respect my colleague, I feel his judgment is not something I can accept. I cannot look in the eyes of the people who have been fighting for this project since 2003 and say to them they do not deserve to get any attention paid to their problem until Sacramento is taken care of.

I have to say to my friend, in going after this project the way he is, it seems to me he is picking one project out of a hat, which is extremely disturbing.

Mr. President, I know there are those who need to go over to the White House, so I will stop my discussion. I think I have enough information in the RECORD to have colleagues join with me.

I say, if Senator COBURN has anything to add at this time, I will reserve the minute for Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am not going after the project. The project stays. I think the Senator from California misses the point. This beach had restoration done by the city last year. It washed away. The sand they put up there will wash away. It is a temporary fix to a long-term program. That is why they have a 50-year authorization for restoring this beach, because it is going to continue to wash away because they are not fixing it in the way the Corps originally recommended it be fixed.

It is not about picking on this project. It is about, again, shouldn't we have priorities? Isn't it more important to fix Sacramento and the levee system there than this particular project, which has been repaired of late by the city with their own funds? I am not saying we should eliminate it; I am saying we should not do this until we have done the other things that are higher priority on the Corps' list,

which No. 1 in my mind, besides what we need to do in Louisiana, is to restore the levee system in Sacramento.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, is the Senator yielding back time?

All right. In deference to some other things that are going on right now, I will go ahead and yield back my time at this moment.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1090.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio, (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Arizona, (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea" and the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 77, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—12

Bunning	Ensign	Lugar
Burr	Feingold	Sessions
Chambliss	Gregg	Smith
Coburn	Lott	Sununu

NAYS—77

Akaka	Crapo	Levin
Alexander	Dodd	Lieberman
Allard	Domenici	Lincoln
Baucus	Dorgan	Martinez
Bayh	Durbin	McCaskill
Bennett	Enzi	McConnell
Bingaman	Feinstein	Menendez
Bond	Grassley	Mikulski
Boxer	Hagel	Murkowski
Byrd	Harkin	Murray
Cantwell	Hatch	Nelson (FL)
Cardin	Hutchison	Nelson (NE)
Carper	Inhofe	Pryor
Casey	Inouye	Reed
Clinton	Kennedy	Reid
Cochran	Kerry	Roberts
Coleman	Klobuchar	Salazar
Collins	Kohl	Sanders
Conrad	Kyl	Schumer
Corker	Landrieu	Shelby
Cornyn	Lautenberg	Snowe
Craig	Leahy	Specter

Stabenow	Thune	Webb
Stevens	Vitter	Whitehouse
Tester	Voivovich	Wyden
Thomas	Warner	

NOT VOTING—11

Biden	Dole	McCain
Brown	Graham	Obama
Brownbak	Isakson	Rockefeller
DeMint	Johnson	

The amendment (No. 1090) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues for that overwhelming vote. I view it as a vote that basically says this bill is a good bill. Let's not tinker with this bill unless there is pretty quick agreement on both sides that it is the right kind of amendment. This wasn't the right kind of amendment. We appreciate this vote.

Mr. President, I ask unanimous consent that at 2:15 p.m. today, Senator CARDIN be recognized to call up amendment No. 1072; that once the amendment is reported by number, there be 5 minutes under the control of Senator CARDIN, and that upon the use or yielding back of time, the amendment be withdrawn; that the Senate then resume consideration of the Coburn amendment No. 1089, and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Coburn amendment No. 1089, the Senate consider the Feingold amendment No. 1086, and there be 5 minutes of debate prior to a vote in relation to the amendment, with all debate time equally divided and controlled in the usual form; that prior to a vote in relation to the amendments covered in this agreement, no intervening amendments be in order.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the following Members be recognized to speak as in morning business: Senators DODD, INOUE, ALEXANDER, and LEVIN and that after that the Senate stand in recess.

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

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

100TH BIRTHDAY OF FORMER SENATOR THOMAS DODD

Mr. DODD. Mr. President, I am speaking today, as I have for the past 26 years, at the desk my father used during his 12 years as a Member of the Senate, from 1959 to 1971. I would like to think that this surface still bears some of the marks he might have made in an idle moment. As he did almost 50 years ago, I too have etched my name in this desk drawer.

Today I rise to speak of my father, for it was on this day, May 15, 1907, 100 years ago, that my father was born. I have two young daughters, Grace and Christina. They never knew their grandfather. For my girls, he is a painting that hangs in my office, photos in our home, or stories over dinner.

I try to explain, as parents and grandparents do, what their grandfather meant to me, who he was, what he did. I must say, it is hard to find the words. Some of my father's 12 grandchildren were lucky enough to know him. Even so, memory fades; but on this day, his 100th birthday, I wish to call up his memory as a gift to you, his grandchildren, and 17 great-grandchildren.

Like so many of his generation, born in the early years of the last century, my father, Thomas Dodd, had to overcome hardships—the death of his mother at an early age, the collapse of his father's business, the Depression years. Yet so much like his generation, hard jolts and trying experiences transformed and molded a man who would make a significant contribution to his country and our world.

As the Connecticut State director of the National Youth Administration in the early days of the New Deal at the height of the Great Depression, he helped young men and women find work—any work. As an FBI agent and then lawyer in the Justice Department, your grandfather and great-grandfather pursued notorious gangsters and prosecuted those who denied others their civil rights. He helped create the Civil Rights Division of the Justice Department and brought to justice those who committed fraud and espionage. All those experiences were valuable contributions to helping those in need and bringing to justice those who did harm.

But none of those experiences compared to what he called the most important work of his life: his role as executive counsel under Justice Robert Jackson at the Nuremberg trials. By his own admission, this was the most important work of his career. It also was his most important, most life-changing event.

For almost 18 months, from the summer of 1945 to the fall of 1946, he confronted those who were the authors of the worst evil of the 20th century, maybe ever. As one of the leading prosecutors in the most important trial of the 20th century, your grandfather and great-grandfather demonstrated the supremacy of the rule of law over vengeance. Or, as Justice Robert Jackson said at the opening of those trials:

That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law is one of the most significant tributes that power has ever paid to reason.

From the Nuremberg years, your grandfather and great-grandfather emerged as one of the sharpest defend-

ers of human rights in his day and an outspoken crusader against tyranny in all its forms. To those who suffered under the domination of the Soviet Union, there was no more valiant voice. To this day, he is remembered warmly by those who suffered under dictatorial regimes.

During his 16 years in Congress, first in the House of Representatives and 12 years in the Senate at this very desk, Thomas Dodd worked hard to make a difference in the lives of people everywhere who needed a champion.

Your grandfather's and great-grandfather's career did not end as he wanted it. He did not leave this desk as he would have liked. In 1970, he ran for another term and lost. "Those who fight the times," it was said of him, "do not always have an easy end."

He returned to his home in Connecticut, and shortly after he died, 30 years before you were born, Grace and Christina. At the end of his life, his obituary was headlined "A Lonely Fighter." It struck me as such an odd word for my father, who was such a wonderful storyteller, surrounded cradle to grave by a great big Irish Catholic family. I don't recall my father being alone a day of his life. And yet in his public life he had the politician's rarest virtue: he wasn't afraid to be alone.

However important and interesting your grandfather and great-grandfather's life was, it is a terrible injustice to merely recite the chronology of his experiences. Even more important than what he did was the kind of person he was. Thomas Dodd was principled and courageous, fearless in the face of injustice, and outspoken in his defense of those in need. He was ahead of his time in so many ways—as an advocate for national health care, a proponent of sensible gun safety laws, an early voice warning of the effect of violence on television and the dangers of drug addiction, and a defender of those whose human rights were being denied.

Your grandfather and great-grandfather loved your grandmother and great-grandmother so much. He loved his children very much, as well. But the deep love for my mother was special to behold.

He was loyal to his hometown of Norwich, CT, and he cared deeply about the people of our home State. Thomas Dodd was a person of deep faith and a lifelong friend to many. He was proud of his family, and how proud he would be of his grandchildren and what they have accomplished and of the contribution you and his great grandchildren will make to your world.

Sixty-one years ago next month my father wrote the following words to my mother about his experience at Nuremberg. He was proud of what he had done at Nuremberg. While the words were addressed to his children, they also speak to his grandchildren and great grandchildren.

I feel badly about you being alone with the children, but I'm doing the right thing and I

feel sure we will not regret it. I will never do anything as worthwhile. Some day the boys will point to it, I hope, and be proud and inspired by it.

Only a few weeks before his death, in May of 1971, my father did an interview with a local Connecticut reporter. I was sitting in the room that day when the reporter asked if my father had known at the outset of his public life, when it began in 1932, how it would end, would he do it over again? I shall never forget his unhesitating answer:

I would do it again in a minute, for there is no other calling where you can do as much for as many people as you can in a public life.

My father's answer has been the source of inspiration for me over these past 32 years in public service. So on this, your 100th birthday, from all of us—your six children, your son and daughters-in-law, your 12 grandchildren and 17 great grandchildren—we say thank you, we love you, and happy birthday.

Mr. REID. Mr. President, I didn't know Senator Thomas Dodd, but I know Senator CHRISTOPHER DODD, and I am sure Senator Thomas Dodd is smiling today.

This wonderful family that Senator CHRIS DODD has includes a wonderful wife, Jackie, whom we know, she worked in the Senate and was part of the Senate family before she married CHRIS DODD: and these two beautiful children, whom we in the Senate feel are part of us, Christina and Grace, we have watched them from the day they were born to now in the Senate gallery, and we really do feel they are partly ours.

It is a rare person we find in Senator CHRIS DODD, who now is chairman of the Banking Committee and doing a wonderful job, that committee working with the ranking member, the Senator from Alabama, Mr. SHELBY; and then also running for the Presidency of the United States.

So I say to Senator CHRISTOPHER DODD, I didn't have the opportunity to serve with Senator Thomas Dodd, but in this audience today, here in the Senate, are men—and I look and see two—who served with Senator Thomas Dodd: Senator DAN INOUE and Senator ROBERT BYRD. I have spoken to them about Senators in the past and, of course, they have always mentioned Senator Thomas Dodd because he certainly is a man who made a difference in the Senate, as his son is doing.

One of the things that goes without saying is the ability of Senator CHRISTOPHER DODD to express himself. What an eloquent speaker he is. This is one of the rare times, because of the emotion involved with the words that he spoke, in which he spoke from written text. He usually speaks off the cuff, and he is very good. I understand how difficult this was for him. I could tell, from the tears in his eyes and the lump in his throat, how much he loved his father, his family, and how much he loves his family today.

Mr. INOUE. Mr. President, I rise today to join my leader to honor the distinguished Senator from the State of Connecticut, and one who I was proud to call friend: Senator Thomas Dodd.

Senator Tom Dodd, the father of Connecticut's senior Senator, CHRISTOPHER DODD, would have been 100 years old today. I would like to take a moment to reflect upon his remarkable career.

Tom Dodd was, in many ways, the picture of a Senator. In a tribute shortly after his death in 1971, a colleague said:

His ability was outstanding and his appearance was striking. With the dignity of his bearing and the gray of his hair and his booming resonant voice, he made an impressive figure on the Senate Floor.

But there was much more to Tom Dodd than style. Through a lifetime of service, he brought a dedication of fighting evil in all its forms: in racism, in greed, in sabotage, genocide, and tyranny. Few have piled up such an impressive record.

Tom Dodd began his career as an FBI agent tracking down some of our Nation's worst criminals. In a way, he had something of the FBI agent about him for the rest of his life. He was determined to give wrongdoers no quarter, in word or in action.

During the Great Depression, he led the National Youth Administration of Connecticut, putting thousands of his fellow citizens to work, and then he joined the Department of Justice as a prosecutor. He fought the Ku Klux Klan, long before any Americans saw its true nature.

In later years, he prosecuted union busters who kept workers from bargaining together for fair conditions. And when the Second World War came, he served with devotion on the home front, bringing prosecutions against German American Bundists, Nazi sympathizers who tried to sabotage the war effort.

When the Nazis had been defeated, his country called Tom Dodd to Nuremberg, Germany, to help lead the historic prosecution of Nazi war criminals. And Tom Dodd said yes because he knew that Nuremberg was America's chance to prove its commitment to the rule of law. If we simply gave in to vengeance, we would be walking in the footsteps of those we despised, and Tom knew intuitively that America stood for something more.

He was quickly promoted to executive trial counsel, second only to the lead prosecutor, Robert Jackson. Laying before the world indisputable proof of the Nazis' crimes, Tom and his colleagues succeeded. They had sacrificed the certainty of an execution for the uncertainty of a trial. The test was one of principle over power—and America passed.

Tom's lifetime of service was crowned with two terms in the House and then election to the Senate. He served in this Chamber—at the desk now occupied by his son CHRIS—for 12

years. In the face of enormous opposition, he passed America's first comprehensive gun control law. He fought drug abuse and juvenile crime and violence on television. He protected the homeland on the Internal Security Subcommittee and was one of our most eloquent voices in support of the International Genocide Convention. Tom Dodd said had it been in force in the 1930s, the crimes of Hitler might have been deterred.

For the rest of his life, Tom remembered what he had seen at Nuremberg. He had seen tyranny face to face; he had seen, as he put it, an "autopsy of history's most horrible crime." And he remained an enemy of tyranny for the rest of his life. He knew, as one author put it, that the Nazis' "corruption of spirit, the irresistible human addiction to power, were like first drafts of a terrible future." So he spoke out against that corruption wherever it showed itself, and against Communist tyranny above all.

One colleague remembered that Tom Dodd's many foreign policy speeches "were memorable in the annals of the Senate for their scope and their scholarship, their philosophical consistency, and their nonpartisan nature."

True, Tom's career did not end as he would have wanted it. In 1970, he ran for another term as an Independent and lost. He returned to his home in Connecticut, and shortly after passed away. But through those last, difficult months—and I remember it well even today—he held his head high.

Tom's steadfast example and his eloquent words remain with me still. In 1950, Tom Dodd said the following:

At Nuremberg, we laid down the doctrine that individuals are responsible for some offenses. It always seemed to me that it is the people who make up the government. Individual people.

What holds true for the worst surely holds for the best. Behind all of Tom's achievements there was an indelible individual—passionate, strong, wise, and brave. I was privileged to call him among my friends. I have no doubt that he would be so proud of his children today.

Mr. ALEXANDER. Mr. President, I think I am next in order, but I see some of Senator DODD's colleagues, and if they want to speak to Senator DODD, I would be happy to defer.

Mr. DURBIN. Mr. President, I would be happy to defer to the Senator from West Virginia, if he wishes to speak.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I knew Tom Dodd. I served with Tom Dodd. He reminded me of a Roman Senator. God bless him. It has been quite some time since Senators talked about the case for censure against Senator Tom Dodd. These remarks on the floor today bring back to mind those difficult days.

I have grown quite close to Tom Dodd's son, Senator CHRIS DODD. We have sat next to each other in the Sen-

ate for ten years. He is a fine Senator and a fine man.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I had not planned to speak until I heard Senator CHRIS DODD with his tribute to his father. It brought back, quickly, an early memory, my own memory of his father. It goes back to an earlier time when I was a college intern in the office of Senator Paul Douglas, whose office was next-door to Senator Dodd's office. I can recall, as a college student, watching as Senator Dodd would come and go.

Of course, we all knew his name. We all knew what a great contribution he had made to the Senate. It was not until later that I read about what a great contribution he had made to the world.

I recall, when Senator CHRIS DODD, his son, came to the floor when we were in the midst of debating how we would conduct ourselves on this war on terror and gave one of the most memorable speeches in the history of the Senate, talking about the standards that a nation should live by even in the midst of a war. He recalled the inspiration of his father, an inspiration that has been mentioned several times this morning—the service his father gave to America and to the world at the Nuremberg trials.

Senator CHRIS DODD said on the floor:

To watch the U.S. Senate, on the anniversary of the Nuremberg trials, step away from the great principles enshrined at that time is one of the saddest days I've ever seen in . . . my almost 30 years in serving in this body.

I remembered that speech, and I wanted to enter this quote in the RECORD for one simple reason. We all wonder what our legacy will be, those of us who are fortunate enough to serve in the Senate. In the history of this country, 1,895 men and women have had this high honor to serve here. Some have faded into obscurity. Their names can hardly be recalled. Others left great legacies. Certainly, Senator Thomas Dodd did, in his public service, both before the Senate and the House, and after and during.

But he also left another piece of legacy which we in the Senate appreciate today. He left a son dedicated to public service, a son who has not only carried on in his tradition of public service but has honored his father's memory with that service. When CHRIS DODD came to the floor and recalled his father's contribution in the Nuremberg trials, in a war-torn world trying to find some peace and some direction, he remembered his father's work and brought it with him to work that day in the Senate. His voice on the issue of habeas corpus and the treatment of prisoners has been an inspiration to all of us.

As I listened to him pay tribute to his father, a tribute which his father richly deserved, I wanted to join paying tribute to his father and to his father's son who carried on in such a great tradition of public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will be very brief, I say to the Senator from Tennessee. I was in the Chamber when Senator DODD was paying tribute to his father on what would have been his 100th birthday. I didn't want to let this moment slip by without telling Senator DODD, when I was a young boy, I was up in this gallery. I don't know if it was this gallery or this one, but I was looking down and I remember seeing your father.

I asked the people who were sitting with me: Who is that Senator?

They said that was Senator Tom Dodd.

I said: That man looks like a Senator.

Mr. DODD. Right.

Mr. CONRAD. He had that booming voice, and he had an air about him, an air of authority. It was very interesting to see others' reaction to him. You could see they had respect for him in the way he was addressed.

I later, then, read a book about him. I don't think I have ever told Senator DODD this, but I read a book about your father, about the life he had led. I remember distinctly about his being an FBI agent and the Nuremberg trials. That made a great impression on me.

Then, when I came to the Senate and had the opportunity to serve with Senator CHRIS DODD, I thought: You know, you couldn't be more proud. Your father, looking down on all of this—he could not be more proud than to have his son in his seat in the Senate, somebody who also looks like a Senator—but much more than that, someone who, similar to his father, commands respect from other Senators because of the quality and the character of his work.

I yield the floor.

Mr. DODD. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I have had an opportunity to hear this and will only say, to make certain the same sentiment is expressed from this side of the aisle—I knew Senator DODD's father. I didn't know him well or personally, but I knew him because I was Senator Howard Baker's legislative assistant at a time when Senator Dodd served here. I admired him. I respected him. More importantly, I remember the respect Senator Baker and others had for him and for his long and distinguished career.

My own father would be 100 years old this year, so I understand the enormous pride this Senator DODD has for his father, Senator Dodd. Senator DURBIN and Senator CONRAD and others said this as well: The father would be proud of the son.

I had the privilege of serving as sometimes the chairman, sometimes the ranking member, of committees

with Senator CHRIS DODD. It is a tremendous pleasure to see how he cares, especially for children and families in the workplace and contributions he has made here.

This is a day for a tribute to the father and a day that we are sure his father would have great pride in his own son.

Mr. DODD. I thank the Senator.

Mr. ALEXANDER. If there are no other comments regarding Senator Dodd, I would like to talk about immigration.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1393 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 1395 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### WATER RESOURCES DEVELOPMENT ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland, Mr. CARDIN, is recognized.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1065

Mr. CARDIN. Mr. President, I ask unanimous consent that the previous order be modified to provide that the amendment I intend to call up is amendment No. 1071.

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

Mr. CARDIN. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1071.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, and Ms. MIKULSKI, proposes an amendment numbered 1071 to amendment No. 1065.

The amendment is as follows:

(Purpose: To provide for the siting, construction, expansion, and operation of liquefied natural gas terminals)

At the appropriate place in title V, insert the following:

**SEC. 5. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.**

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through "creation" and inserting the following:

**"SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.**

"(a) IN GENERAL.—The creation"; and

(2) by adding at the end the following:

"(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application."

Mr. CARDIN. I ask unanimous consent that Senators LIEBERMAN and DODD be added as cosponsors of amendment No. 1071.

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

The Senator is recognized for 5 minutes.

Mr. CARDIN. Mr. President, this amendment would restore the authority of State and local governments to protect the environment and public safety of the sitings of liquefied natural gas, LNG, terminals within their own State. The amendment is drafted to be an amendment to the Rivers and Harbors Act of 1899, which gives the Army Corps authority on section 10 permits. The current law on the siting of LNG plants basically allows the Federal Energy Regulatory Commission to site without the consultation or approval of State or local governments. This amendment is an effort to restore federalism to the process of siting LNG plants.

There are now dozens of proposals to site new LNG plants in the United States. Some are being suggested to be sited near population centers, which raises serious concern about public safety.

Let me point out that LNG plants and the tankers that bring in the natural gas are very much targets of terrorism. Richard Clarke, a former Bush administration counterterrorism official, said LNG plants and tankers are "especially attractive targets" to terrorists. The risks are great. We know LNG plants can spark pool fires, which are high-intensity fires, extremely difficult to extinguish. CRS has reported in the last six decades there have been 13 serious accidents involving LNG plants, including one in the State of Maryland in 1979 that had a fatality associated with it.

Maryland has one of the six LNG plants in our country, and there is a proposal to add another LNG plant in Maryland. AES Sparrows Point LNG and Mid-Atlantic Express intend to site a new LNG plant at Sparrows Point in the Baltimore metropolitan area. This is right in the middle of a population center. It is opposed by the congressional delegation. It is opposed by the Governor. It is opposed by the county executive in the jurisdiction in which the LNG plant is to be sited. It is unacceptable public safety, an economic and environmental risk. Yet there has been no consideration given by the individuals who want to site this plant to