AMENDMENT NO. 317
(Purpose: To make available from Research Development Test and Evaluation, Army, $3,750,000 for a High Energy Laser Systems Test Facility Sea Light Beam Director)
At the appropriate place insert the following:
SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended—
(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.

The amendment, (No. 3206) was agreed to.

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The PRESIDING OFFICER. The Senator from Hawaii.
Mr. INOUYE. Mr. President, I ask unanimous consent that managers’ package No. 3 be considered and agreed to. It consists of the following: amendment No. 3204, for Senator SUNUNU, regarding harbor surveilling applications; amendment No. 3116, for Senator MCCASKILL, regarding the use of F-15 aircraft; amendment No. 3182, for Senator COLEMAN, regarding the Laser Perimeter Awareness System; amendment No. 3135, as modified, for Senator KENNEDY, regarding high temperature superconductor motors; amendment No. 3177, for Senator INHOFE, regarding Ground Warfare Acoustical Combat Systems; amendment No. 3163, for Senator HARKIN, regarding the F-15 aircraft; amendment No. 3176, for Senators HUTCHISON and CORNYN, regarding the improvement of barriers at the border; amendment No. 3136, for Senator LANDRIEU, regarding the Cyberspace Information Protection Center; amendment No. 3175, for Senator BENNETT, regarding Internet observer threat mitigation tools; amendment No. 3137, for Senators OBAMA, COBURN, and REID of Nevada, regarding the Federal tax liability certifications.
I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to.

The amendments are as follows:

AMENDMENT NO. 317
(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $1,200,000 for Ground Warfare Acoustical Combat System netted sensors)
At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

AMENDMENT NO. 318
(Purpose: To make available from Aircraft Procurement, Air Force, $5,000,000 for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV, and Harbor Surveillance Applications)
At the end of title VII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”, up to $5,000,000 may be made available for these purposes.

AMENDMENT NO. 319
(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)
At the appropriate place, insert the following:
SEC. . IMPROVEMENT OF BARRIERS AT BORDER.
Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—
(1) in subsection (a), by striking “Attorney General, in consultation with the Commissio-
(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

(ii) on or before December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

(C) CONSULTATION.—

(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretaries of Agriculture, Energy, and Transportation, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

(A) create any right of action for a State, local government, or other person or entity affected by this subsection; or

(B) affect the eminent domain laws of the United States or of any State.

(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph (A) shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location:*

and

(D) in paragraph (5), as redesignated, by striking “to carry out this subsection not to exceed $12,000,000” and inserting “such sums as may be necessary to carry out this subsection”.

AMENDMENT NO. 3130

(Purpose: to make available from Operation and Maintenance, Air Force, $4,000,000 for the 8th Air Force Cyberspace Innovation Center at Barksdale Air Force Base, Louisiana)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

AMENDMENT NO. 3157

(Purpose: To make available from Intelligence Community Management Account, $5,000,000 for Internet Observer and Inner View Insiders threat mitigation tools)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", not to exceed $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View Insiders threat mitigation tools.

AMENDMENT NO. 3137

(Purpose: To provide that none of the funds appropriated or otherwise made available by DOD may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has not been assessed any Federal tax pursuant to title X of the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Mr. INOUYE. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment in question is the Vitter amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I request the clerk make us a list of pending amendments, amendments that have been qualified as pending on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NO. 3130, 3157, 3145, AND 3141

Mr. INOUYE. Mr. President, I am pleased to announce that the following amendments have been cleared by the leadership of both sides and we are ready to consider them en bloc: First, 3130, 3126, 3145, and 3141. I ask unanimous consent they be considered en bloc and passed.

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

The amendments (Nos. 3130, 3126, 3145, and 3141) were agreed to.

Mr. INOUYE. Mr. President, I move to reconsider.

Mr. STEVENS. I move to lay the motion on the table.

(Motion to lay the table agreed to.)

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3140

(Purpose: To provide that none of the funds appropriated or otherwise made available by DOD may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has not been assessed any Federal tax pursuant to title X of the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Mr. DORGAN. Mr. President, I have a couple of minutes of comment. I know Senator Kyl withdrew his amendment. But I do want to have the RECORD corrected, because I was listening to part of the debate when I was back in my office. I think it is important to have an accurate RECORD.

My colleague from Arizona indicated that the space-based test bed program which I oppose is not a program that would primarily be a space-based missile defense program. He said it is about protecting satellites. That the space test bed is about protecting satellites. That is what my colleague was saying.

Let me read the unclassified portion of the Pentagon budget justification for the program.

The space test bed is being explored as a potential solution to enhance ballistic missile defense.

I guess you can come to the floor and say: Well, that is not what it is. But you probably would have to ask the Pentagon to cut out this page from its budget justification book.

I want the RECORD to reflect something that is halfway accurate. All of us understand what the program was intended to be. This is what the Defense Department says it was intended to be. So when I come to the floor and talk about why this program ought not proceed, it is not authorized, it has not been funded in either House or Senate appropriations bills and, besides, it is a program that will eventually weaponize space by putting ballistic missile defense interceptors in space, I have the facts on my side.

I need to have some say: Well, that is not what it was. Gosh, you must not understand it, Mr. DORGAN. Well, I am sorry; I do understand it. So does the Pentagon. They say again: The Space Test Bed is being explored as a potential solution to enhance ballistic missile defense capability in the future.

I went to a small school, but I can understand this. And I read fairly fast. There is not a lot a reading on this page. So I wanted the RECORD to reflect something that is halfway accurate about the issue of the space test bed.

I think this country has an enormous responsibility with the question of nuclear weapons, stopping the spread of nuclear weapons, attempting to find ways to reduce the number of nuclear weapons and delivery vehicles to protect this country in dozens of different ways against threats that exist against our country.

I think it would be a profound mistake for this Congress to decide, without authorization, with very little debate, to begin funding a program that eventually will provide weapons in space. We would be apoplectic if we believed a program existed or was begun today in the Duma or in China, because we would believe it would be a threatening approach for them to weaponize space. I think they would view the same with activities we would undertake.

But the hope is we can work with others in the world with respect to nonproliferation and with respect to protecting all of us from those who would be aggressive in our future.