

## AMENDMENT NO. 3173

(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. . Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,750,000 may be available for a Sea Light Beam Director at the High Energy Laser Systems Test Facility.

## AMENDMENT NO. 3162

Mr. LEVIN. Mr. President, earlier this afternoon, the Senate unanimously adopted an amendment offered by myself and Senator STABENOW to increase the budget of the Army's National Automotive Center by \$6 million.

The National Automotive Center, NAC, part of the U.S. Army Tank-Automotive Research, Development, and Engineering Center, works to support and leverage advancements by the automotive industry to improve military ground vehicles. The funds provided by our amendment will allow the NAC to help meet current and future automotive technology needs.

These funds will support the development of new technologies that are critical to the success of the Future Combat Systems program and will help our military to meet the fuel efficiency goals that have been set by the Department of Defense, while improving the safety of military ground vehicles.

I am pleased that the Senate adopted our amendment.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

## AMENDMENT NO. 3206

Mr. INOUE. Mr. President, on behalf of the leadership of the Senate, Senators REID and MCCONNELL, I say to the desk the following amendment and ask for its immediate consideration and that it be agreed to.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. REID and Mr. MCCONNELL, proposes an amendment numbered 3206.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment is as follows:

(Purpose: To make technical corrections to Public Law 110-81)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(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.

AMENDMENTS NOS. 3204, 3116, 3182, 3135, AS MODIFIED; 3177, 3163, 3176, 3136, 3175, 3137 EN BLOC

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. 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 a Web site link for the DOD Inspector General; 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 MSOGs for 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 Innovation 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. 3204

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, \$1,000,000 for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications)

At the end of title 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 \$1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

## AMENDMENT NO. 3116

(Purpose: To require the establishment on the Internet website of the Department of Defense of a link to the Office of Inspector General of the Department of Defense)

At the end of title VIII, add the following: SEC. 8107. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

## AMENDMENT NO. 3182

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, \$5,000,000 for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System)

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 available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

AMENDMENT NO. 3135, AS MODIFIED

On page 207, between lines 8 and 9, insert 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. 3177

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, \$1,200,000 for Ground Warfare Acoustical Combat System of 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" and available for Program Element #0603640M, up to \$1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

## AMENDMENT NO. 3163

(Purpose: To make available from Aircraft Procurement, Air Force, \$5,000,000 for the retrofit of upgraded Molecular Sieve Oxygen Generation Systems into F-15C/D fighter aircraft)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F-15C/D fighter aircraft.

## AMENDMENT NO. 3176

(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 Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

“(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) not later than 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 Interior, the Secretary of Agriculture, States, local governments, 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—

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

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

“(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph 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. 3136

(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. 3175

(Purpose: To make available from Intelligence Community Management Account, \$5,000,000 for Internet Observer and Inner View insider 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”, up to \$5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

AMENDMENT NO. 3137

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act 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 makes certain certifications regarding Federal tax liability)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. None of the funds appropriated or otherwise made available by this Act 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 in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under 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. INOUE. 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. INOUE. 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 NOS. 3130, 3167, 3145, AND 3141

Mr. INOUE. 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, 3167, 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, 3167, 3145, and 3141) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. 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. 3144

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 half way accurate. All of us understand what that 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 the 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.

Then to have someone 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 of reading on this page. So I wanted the RECORD to reflect what is 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.

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