

tomorrow as well as conduct the activities we have ongoing in those 154 countries and in particular in Iraq and Afghanistan.

The bill Senator INOUE and I present today reflects a prudent balance among those challenges. I concur—may I say I concur reluctantly—in Senator INOUE's request that we not have supplemental items added to this bill. This is the first year we have not had, as part of the bill, a so-called bridge to cover the transition between one fiscal year to the next, in terms of the demands of the war. Very clearly, if we are going to send the MRAPs over to Iraq—these are the new vehicles that protect lives, that are saving lives—we need funding in advance. I am told we have over 30 different manufacturers working on these machines now. They have to be paid. I do believe the supplemental is absolutely necessary and I am very worried about it. It is to me a very difficult thing to believe the time might come when we do not have the money to pay for these MRAPs and they will stay in this country rather than be taken to Iraq and Afghanistan.

There are other new facilities and equipment that are needed by the Department of Defense. This is an ongoing. I was talking to my colleague Sid Ashworth today about the transformation of the military. At the same time as our people are fighting in Iraq and Afghanistan and are defending us in these other 152 countries, we face the problem of transforming our military into the military of the future. New technologies, new techniques, and new requirements demand change. That change demands new equipment and new research to assure we have the basic equipment and technology base we need to protect this country for the future.

I worry about a process that is slowing down the money that now for 4 years has been presented in a supplemental, an addition to this bill as it was passed. This will be the first year we have not included that in the consideration of the appropriations bill. As I said, I am following the lead of our chairman, but I do believe we cannot go home this year without providing the money to carry over through the new year and into the period of next year before we can get another bill passed.

This is, to me, a very serious matter and one I hope to speak on later, at great length, as a matter of fact. But I do again thank Senator INOUE, our chairman, for his courtesy, his leadership, and his friendship as we move this bill to the floor.

We welcome for consideration any amendments our colleagues wish to present.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, on August 2, 2007, by a vote of 83-14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007.

The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule 44, the chairman of the committee of jurisdiction is required to certify that certain information related to congressionally directed spending has been identified.

The required information must be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested. And, the committee is required to make those certification letters available on the Internet.

The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending.

This information is contained in the committee report numbered 110-155, dated September 14, 2007, and has been available on the Internet for 2 weeks. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the record the certification by the chairman of the Committee on Appropriations.

I send to the desk such certification and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110-155, filed on September 14, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

AMENDMENT NO. 3117

Mr. GRAHAM. Mr. President, I have an amendment I would like to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, and Mr. MCCAIN, proposes an amendment numbered 3117.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the security of United States borders)

At the appropriate place, insert the following:

SEC. . . BORDER SECURITY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the "Border Security First Act of 2007".

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109-367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), \$60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, this amendment I have offered would appropriate \$3 billion in emergency spending for border security operations. It is virtually the same amendment we had on the DHS appropriations bill.

The amendment will allow purchases to be made for unmanned aerial vehicles, ground sensors, and vehicle barriers. It provides funding for the construction of 700 miles of fencing. It would establish operational control over all of our borders. It provides funding to obtain more bed space to detain immigrants for overstaying their visas, and it provides funding for States and localities that undergo training to assist the Federal Government in enforcing immigration law.

There has been a veto threat on the DHS bill. I am hoping that this amendment, which passed 89 to 1—a similar version of it on the DHS appropriations bill—will find its way on this legislation, which I hope will get signed into law by the President.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, is the pending business the Graham amendment?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 3119 TO AMENDMENT NO. 3117

Mr. GREGG. I send an amendment to the Graham amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3119 to amendment No. 3117.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 1 day after the date of enactment.

Mr. GREGG. Mr. President, I rise in support of the Graham amendment. It is an amendment which I have been involved in helping to develop. It is an amendment that was offered on the Homeland Security bill, and essentially it is the same concept. The purpose of this amendment is something on which I think there is general agreement in the Senate, which is that we supply adequate resources to make sure that our border is secure.

Now, this is an effort we have been pursuing for quite a while. I had the good fortune to be chairman of the Subcommittee on Homeland Security of the Appropriations Committee, and during that time we dramatically increased our commitment to border security, especially in the area of the number of agents, in the area of the number of detention beds, in the area of fencing, in the area of electronic and virtual fencing, and in the area of making technology available and support facilities available to border security agents, and the ICE agents. It is a ramping-up process, however, and there is still a ways to go, although we have made very significant strides. Unfortunately, in our opinion, on this side of the aisle—and this amendment was agreed to by the other side of the aisle for all intents and purposes when it was offered on Homeland Security—there is a need for additional funding to make sure that we put in place the resources which will basically assure the American people that the southern border can and will be secured.

Now, what does that require? Well, this amendment doesn't put specific numbers relative to the number of agents or detention beds or fencing,

but what it does put in place is an additional \$3 billion in emergency funding, which will essentially go toward three major areas, the first of which is agents. We know that we need about 20,000 agents on the border. We know we are headed toward that number, but we know it is going to take a significant increase in funding for us to get to that.

Now, we wish we could sort of wave a magic wand of dollars and produce these agents overnight, but we can't. These people are highly skilled. They require special qualities as individuals. They have to be obviously law enforcement individuals, but they also have to speak Spanish. They have to have the character and the personality to be able to work in a very intense environment and deal with very threatening situations, while at the same time dealing with people who are coming across the border and trying to make a better way of life for themselves and shouldn't be treated in a criminal way but should be treated as decent human beings trying to seek a better way of life in the United States, who try to come in inappropriately but having to go back. Handling that type of situation requires a little bit more care and sensitivity than dealing with somebody who is coming across to sell drugs.

So the individuals we need to attract into the border security effort are high-quality, high-caliber individuals. You can't gather them up overnight. It takes awhile to get the applicants and then put them through the schooling process, and it does take money to do that. This amendment will allow us, to the extent that we can find these types of individuals to populate this workforce, to do exactly that so we will have a full complement of agents on the southern border.

In addition, it will add detention beds which are critical. There is a belief that we need around 33,000 detention beds, I think is the number. We are headed toward building out a significant number of detention beds, and this amendment—or the dollars in this amendment—will give the Department the resources it needs to accomplish the additional detention beds.

Why are detention beds important? Because we have gone from a policy which was essentially catch-and-release of 2 years ago, or 3 years ago, to a policy where we actually catch and hold people. We no longer say come back in a few months after we catch you crossing the border illegally; we would say come back in a few months and appear before the court, and what happened was people never came back. We would send them off and they would never return, not surprisingly. Now we hold these folks, and we make sure they have their day in court, that they receive the proper protections of our law enforcement system, but that if they are found to have entered this country illegally, they get sent back. But it takes money, and that is why this amendment is important.

Thirdly, we are building a fence in those areas, a physical fence in those areas where we need fencing. Fencing isn't appropriate for the entire border, but in our more urban areas along the border, it is appropriate, and it is expensive. So this money in this bill will allow us to complete the fencing commitments which we think are necessary. Equally important, it will put in place the operations of what amounts to what we call a virtual fence, but it is a real fence. There will be towers essentially. We have a tremendous electronic surveillance capability, oversight capability through unmanned aerial vehicles. All of this has been put into the works, and we are in the process of building out this system of surveillance in nonphysical fenced areas but areas which will have basically an electronic fence and a visual capability. But that, again, costs a lot of money. So this amendment fully funds the movement in that direction. That is what we need to do. We need to spend this money.

Now, it is a lot of money, \$3 billion, there is no question about it. But I see it very much as part of the war on terror, as a necessary element to protecting our culture and our society. A country which can't control its borders, which doesn't know who is coming across its borders, is a country which is at considerable risk. It is at considerable risk for a lot of reasons, but obviously the primary reason is the threat of terrorism. We have an obligation to our citizenry to make sure as people come across the southern border, we know who they are and we know that they are coming across legally.

I think the American people have grown—and rightly so, I am afraid—a little cynical about our efforts on the southern border. They see us say: Well, we are going to secure the southern border, but then they don't see us putting the resources on the border to accomplish that. These dollars will complete the debate on the issue of resources. The dollars will be there. Whether the management capability is there, whether the build-out capability is there, that is still an issue—I admit to that—but at least the dollars will be in the pipeline to accomplish this goal.

So as a practical matter, I think this is a very important step forward. I congratulate the Senator from South Carolina, who has been a leader on this effort for awhile. He was obviously a leader on immigration reform, and he has backed up his words on immigration reform, in that the first step in effective immigration reform is effective border security.

That is true. That is essential. He has backed that up with this amendment which puts the dollars in place to accomplish this. That is a corollary to this whole debate, which is that we do need to significantly overhaul our immigration laws, make them more appropriate to the times and to the situations. But you cannot get the public

confidence to do immigration reform unless the American people believe at the outset that our border—especially the southern border—is secure from people being able to cross willy-nilly into this country illegally.

These dollars will put in place the resources necessary to accomplish that, to make sure our southern border is secure on the issue of crossings. It may take a couple years for them to bear fruit because there is not an instant response with the hiring of agents. But the fact is that the resources will be in the pipeline to accomplish that, and the American people can have confidence that it is going to occur.

I congratulate the Senator from South Carolina for his amendment. I am happy to join him as a cosponsor of the amendment. I hope it will be adopted unanimously or with a large majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

RECESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

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.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3126

(Purpose: To prohibit waivers for enlistment in the Armed Forces of individuals with certain felony offenses)

Mrs. BOXER. Mr. President, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3126.

The amendment is as follows:

At the end of title VIII, add the following: SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in

the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

- (1) Aggravated assault with a deadly weapon.
- (2) Arson.
- (3) Hate Crime.
- (4) Sexual misconduct.
- (5) Terrorist threatening.

Mrs. BOXER. Mr. President, I thank the clerk for reading my amendment. I had it read because it is such common sense. I think if you went out on the street and you asked any American: Do you think there are people serving in the military who, within the last 5 years, were convicted of aggravated assault with a deadly weapon or a sex crime or a hate crime or making a terrorist threat that was a phony terrorist threat? They would say: Oh, no; no one like that would be let in, not if they did something like that within the last 5 years.

That is what leads me to this commonsense amendment. It is hard for me to believe I have to fight for this. This amendment may not pass, which is stunning to me when I think of how clear the issue is.

I guess I would ask a mom or a dad who has a son or a daughter over there, would they want their child in a foxhole with someone who was convicted twice of assault with a deadly weapon. Do you want someone in a foxhole with your son or daughter who was convicted of a sex crime? I think they would say no.

So here is where we are. In recent years, the U.S. Army in particular has dramatically increased the number of waivers it grants for admission into its ranks of those convicted of a felony. Now, let me be clear. It is against the rules to allow anyone to come into the military who has a felony conviction. However, there is a loophole which says waivers can be granted in certain circumstances.

Now, I totally understand. For example, let's say as a young man or woman some potential recruit tried drugs because it was the thing in his school. He did it, but he regrets it and is over it. He was convicted, but he has promised never to use drugs again. OK, give someone a chance. That is the American way. Give someone a chance. But for these particular felonies, which I will outline again and explain what they are, I think if someone has been found guilty within the last 5 years, it is an open-and-shut case.

Now, I understand the Army is under incredible strain right now and is facing a difficult recruitment environment. I realize there may be times that they are going to ask for these waivers. I know they do it for health reasons and other things, but there is a point at which it goes too far; that is, the point at which it is dangerous. When you hear about the increase in felony recruitment, you will agree it is alarming. Rather than strengthening our military, it weakens our military.

Listen to these numbers: In 2004, the Army granted 360 waivers to recruits with felonies on their records. In 2005, the number grew to 571. And in 2006, the number grew to 901. The 901 figure is a 59-percent increase over the 2005 number, and a 150-percent increase over the 2004 figure. So I believe the spirit of the law that allows these waivers is being violated. Nobody thought that it would reach these proportions.

Again, I think people deserve a second chance in this country if they have served their time and they are rehabilitated. That is why I have in this amendment a 5-year cooling off period so we know that they have been clean for 5 years of these types of crimes. But the Army should not drastically lower its standards because it cannot find enough recruits, and it should not seek out individuals who have had disturbing personal histories involving violence.

I just read in the newspaper the other day that the military is going to these criminals if they are undergoing rehab. They go right there. Army recruiters actually attended a job fair for ex-convicts in Houston in August of 2006. Many experts believe this is leading to a spike in gang activity in the military. Listen to this FBI report: "Gang related activity in the U.S. military is increasing." This is a direct quote. "Members of nearly every major street gang have been identified on both domestic and international military installations." According to this report, these members can "disrupt good order and discipline" while in the military.

Here is the alarming part, and this is the FBI—the Federal Bureau of Investigation—speaking, not Senator BARBARA BOXER or any other Senator. Upon discharge, "they may employ their military training against law enforcement officials and rival gang members and such military training could ultimately result in a more organized, sophisticated and deadly gang as well as an increase in deadly assaults on law enforcement officials." The FBI is saying that an abuse of these waivers is leading to a more dangerous America, more dangerous for law enforcement—more gangs.

This is not what our country needs. It is not what our wonderful brave men and women in uniform need right now. They have enough problems to deal with in Iraq. They are in the middle of a civil war. This President has no plan to get them out. While the military says there is no military solution, this President is doing nothing about a long-term solution. We find our young men and women in harm's way in the middle of a civil war in a mission that has changed about five or six times, and now they have to worry that they are serving next to someone who has been convicted of aggravated assault with a deadly weapon, arson, terrorist threatening, or sexual misconduct—imagine, with all they have to worry about.