

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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