

presentation the last time the Senate considered the immigration bill and was successful, and I expect he will be this afternoon.

It was very difficult for us to make an exact judgment about the total numbers. Those numbers were set at about 400,000 because that was a somewhat lower estimate of people who were coming in here who were undocumented, and it was also recommended by the Council of Economic Advisers in terms of the needs of the economy. That is where it is from.

But he makes a legitimate point—we do not have a real definite idea about what these numbers ought to be. We looked at the idea that we establish this program and then try to establish a commission that would make a recommendation to Congress in terms of the numbers on into the future. I think that is probably the best way to proceed in the future.

I will reluctantly oppose the amendment of the Senator from New Mexico, but I thank him for the thought he has given to this issue. We will be willing to work with him regardless of how this comes out.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. Mr. President, we are prepared to yield whatever time we have—except for the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank my colleague from Massachusetts and congratulate him on his leadership in getting us to this point in the debate. I do hope Members will support this amendment. We had 79 Senators support this amendment when it was offered last year. I hope we get a strong vote again this year. I think this is the prudent thing to do. It does not destroy the bill. It does allow for a guest worker program but a much more prudent one than would otherwise be the case.

I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Does the Senator from Pennsylvania wish to be recognized?

Mr. SPECTER. I do. Mr. President, I believe I have 1 minute of argument?

The ACTING PRESIDENT pro tempore. The yeas and nays have been called for, and the impression was at that time that time had been yielded back.

Is there sufficient second for the yeas and nays? There is.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask consent—I think I yielded the time back before I knew the Senator from Pennsylvania, who is a cosponsor, desired to speak. It will only be half a minute. I ask unanimous consent that he be able to speak prior to the time of the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. May I amend that, Mr. President, to request a full minute?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, the 400,000 figure was decided after a very careful analysis and consideration. We had hearings in the Judiciary Committee where prominent economists stepped forward to testify about the importance of immigrant help. We have an economy which relies on immigrants for hospitals, for hotels, for restaurants, for farms, for landscapers, and many lines.

One crucial feature of the Bingaman amendment would take out the adjustment factor, which is important, where we say the needs rise and fall. If the Bingaman amendment is adopted—and I know it was adopted by a large vote last year—at least I hope we will return to provide for the adjustment factor so we can raise or lower the number depending upon the needs of the economy.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent. The Senator from Arizona, Mr. McCAIN.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—74

Akaka	Dorgan	Nelson (FL)
Alexander	Durbin	Nelson (NE)
Allard	Ensign	Obama
Baucus	Enzi	Pryor
Bayh	Feingold	Reed
Biden	Feinstein	Reid
Bingaman	Grassley	Roberts
Boxer	Harkin	Rockefeller
Brown	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Byrd	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Stevens
Casey	Lautenberg	Sununu
Chambliss	Leahy	Tester
Clinton	Levin	Thomas
Coburn	Lincoln	Thune
Cochran	McCaskill	Vitter
Collins	McConnell	Voinovich
Conrad	Menendez	Webb
Corker	Mikulski	Whitehouse
Dodd	Murkowski	Wyden
Dole	Murray	

NAYS—24

Bennett	Brownback	Cornyn
Bond	Coleman	Craig

Crapo	Hatch	Lugar
DeMint	Hutchison	Martinez
Domenici	Kennedy	Salazar
Graham	Kyl	Smith
Gregg	Lieberman	Specter
Hagel	Lott	Warner

NOT VOTING—2

Johnson	McCain
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The amendment (No. 1169) was agreed to.

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.

Mr. KENNEDY. Mr. President, Senator GRASSLEY was here earlier. I understand he may be modifying his amendment. Senator GRAHAM is prepared to move ahead. Then we will alternate back and forth. The Senator from California, Mrs. FEINSTEIN, is ready to go. I see the Senator from South Carolina. If he is prepared to proceed, we will go ahead with his amendment.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from South Carolina.

AMENDMENT NO. 1173

Mr. GRAHAM. I ask unanimous consent that the pending amendment be set aside, and I call up amendment 1173.

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

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. McCAIN, Mr. MARTINEZ, and Mr. KYL, proposes an amendment numbered 1173 to amendment No. 1150.

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

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

The amendment is as follows:

(Purpose: To provide for minimum sentences for aliens who reenter the United States after removal)

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

“(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

“(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

“(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

“(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not