

Mr. SESSIONS. It is a tough life in the pit here. If I desire to have a vote tonight myself, what would be the difficulty with that? We could do that at the same time as the vote on the Sanders amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I think we have had a good debate and discussion on the Sanders amendment. It was the request of the leadership that we have the supplemental, which has been extremely important. There is going to be action on that later this evening. They had initially asked us if we could conclude at 4 o'clock. We have been trying to conclude so that Members who want to address the supplemental would be able to address the supplemental. That is basically the reason for that. We have been here, as the Senator from Pennsylvania knows, ready to do business since 9:30 this morning. We were glad to. I had hoped—and I apologize to the Senator from Vermont because we were all set to have a rollover on that. Then it appeared it might have been accepted. I was asked, requested by Senators to hold for a few moments to see whether it could not have been cleared. I could ask unanimous consent that the amendments of the Senator from Alabama be considered on Tuesday at a time agreeable to him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there will be a number of amendments I would like to have considered and a number of others that need to be considered after we come back.

I would just reluctantly state that if we have a vote, I would need and request that my vote be also tonight; otherwise, I would object to the unanimous consent request.

Mr. DURBIN. Madam President, will the Senator from Alabama yield?

Mr. SESSIONS. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I say to the Senator, I have been informed by staff that his amendment has not been filed, and we have not seen a copy of it. Senator FEINGOLD, who earlier had an amendment, stepped aside so Senator SANDERS would have his chance. I say to the Senator from Alabama, it appears some who have been waiting all day are looking for a chance for a vote, and the Senator from Alabama is asking for consideration of an amendment that has not been filed and we have not seen.

Madam President, I say to the Senator, could I ask unanimous consent that the Senator from Alabama be recognized to offer an amendment and that he then be recognized for up to 15 minutes; that following his remarks, the Senate resume consideration of the Sanders amendment and there be 2 minutes of debate prior to a vote in relation to the Sanders amendment, with no second-degree amendment in order to the Sanders amendment prior to the vote?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, if I would be allowed to make my two amendments pending and to speak for 15 minutes, I would forgo a request for a vote tonight.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, did the Senator say two amendments?

Mr. SESSIONS. Madam President, I have two amendments. They are both on the same subject. I would rather offer both. I am not sure which one—I would never ask the Senate to vote on both, but I would like to offer both.

Mr. DURBIN. Madam President, I will renew my unanimous consent request and see if the Senator from Alabama will find it acceptable.

I ask unanimous consent that Senator SESSIONS be recognized to offer two amendments and be given up to 15 minutes to speak to those amendments; that following his remarks, the Senate resume consideration of the Sanders amendment and there be 2 minutes of debate prior a vote in relation to that amendment, equally divided, with no second-degree amendments in order to the Sanders amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from Alabama.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I salute the Senator from Illinois for his expertise in extracting that agreement from this confusion.

AMENDMENT NO. 1234 TO AMENDMENT NO. 1150

Mr. President, I ask that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1234 to amendment No. 1150.

Mr. SESSIONS. Mr. President, 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 save American taxpayers up to \$24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status)

At the appropriate place, insert the following:

SEC. _____. **LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.**

Any alien who is unlawfully present in the United States, receives adjustment of status under section 601 of this Act (relating to aliens who were illegally present in the United States prior to January 1, 2007), or enters the United States to work on a Y visa under section 402 of this Act, shall not be eligible for the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income) until such alien has

his or her status adjusted to legal permanent resident status.

AMENDMENT NO. 1235 TO AMENDMENT NO. 1150

Mr. SESSIONS. Mr. President, I ask that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1235 to amendment No. 1150.

Mr. SESSIONS. Mr. President, 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 save American taxpayers up to \$24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status)

At the appropriate place, insert the following:

SEC. _____. **5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.**

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting “, including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income),” after “means-tested public benefit”.

Mr. SESSIONS. Mr. President, one of the more significant ramifications of the immigration bill that is on the floor today is that it will confer immediately on persons in our country illegally the benefit of the earned-income tax credit. This is not a little bitty matter. The earned-income tax credit is the largest aid program for low-wage workers in America. Last year, the earned-income tax credit benefitted over 22 million people who. The average recipient who receives a benefit under the earned-income tax credit receives over \$1,700 per year—a very generous event. Last year, we spent \$41.2 billion on the Earned Income Tax Credit.

What this bill would do, for the people who are here illegally, is confer on them a Z status, a legal status, and under the impact of the legislation, these individuals would immediately become eligible for the earned-income tax credit.

Let me tell you why this is not good policy, it is not required by morality, and it certainly is not required of Congress as a matter of law or policy. The earned-income tax credit was created in 1975 to provide extra income to the working poor. Before welfare reform particularly, there was a widespread understanding that many people could not work, could stay at home, draw a panoply of welfare benefits, and end up making more money not working than working. It was creating a disincentive to work.

Back when President Nixon was President, Republicans—and I guess