

**SA 1163.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PRESIDENTIAL AWARD FOR BUSINESS LEADERSHIP IN PROMOTING AMERICAN CITIZENSHIP.**

(a) **ESTABLISHMENT.**—There is established the Presidential Award for Business Leadership in Promoting American Citizenship, which shall be awarded to companies and other organizations that make extraordinary efforts in assisting their employees and members to learn English and increase their understanding of American history and civics.

(b) **SELECTION AND PRESENTATION OF AWARD.**—

(1) **SELECTION.**—The President, upon recommendations from the Secretary, the Secretary of Labor, and the Secretary of Education, shall periodically award the Citizenship Education Award to large and small companies and other organizations described in subsection (a).

(2) **PRESENTATION.**—The presentation of the award shall be made by the President, or designee of the President, in conjunction with an appropriate ceremony.

**SA 1164.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEDUCTION FOR EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.**

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 194A the following new section:

**“SEC. 194B. EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.**

“(a) **ALLOWANCE OF DEDUCTION.**—There shall be allowed as a deduction for the taxable year an amount equal to—

“(1) \$500, multiplied by

“(2) the number of limited English proficient employees for which English language instruction is provided free of charge to the employee during such taxable year.

“(b) **DOLLAR LIMITATION.**—The deduction allowable under subsection (a) for any taxable year shall not exceed \$150,000.

“(c) **LIMITED ENGLISH PROFICIENT EMPLOYEE.**—For purposes of this section, the term ‘limited English proficient employee’ means an employee of the taxpayer—

“(1)(A) who was not born in the United States or whose native language is a language other than English,

“(B)(i) who is a Native American or Alaska Native, or a native resident of the outlying areas (within the meaning of section 9101(25)(C)(ii)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(25)(C)(ii)(I)), and

“(ii) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency, or

“(C) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant,

“(2) whose difficulties in speaking, reading, writing, or understanding the English lan-

guage may be sufficient to deny the individual—

“(A) the ability to maintain employment, or

“(B) the ability to participate fully in society, and

“(3) the English language instruction of whom has not previously been taken into account under this section.

“(d) **DENIAL OF DOUBLE BENEFIT.**—No other deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the deduction determined under this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 194A the following item:

“Sec. 194B. Employer-provided English language instruction”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SA 1165.** Mr. LEAHY (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218E(d) of the Immigration and Nationality Act (as added by section 404(a)), strike paragraphs (2) and (3) and redesignate paragraph (4) as paragraph (3).

At the end of section 218E of the Immigration and Nationality Act (as added by section 404(a)), add the following:

“(i) **SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, AND DAIRY WORKERS.**—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a shepherd, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 1 year;

“(2) subject to subsection (j)(5), may have that initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) **ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.**—

“(1) **DEFINITION OF ELIGIBLE ALIEN.**—In this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a shepherd, goat herder, or dairy worker;

“(B) who has maintained that non-immigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) **CLASSIFIED PETITION.**—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the eligible alien’s employer, on behalf of the eligible alien; or

“(B) the eligible alien.

“(3) **NO LABOR CERTIFICATION REQUIRED.**—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) **EFFECT OF PETITION.**—The filing of a petition described in paragraph (2), or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien’s ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) **EXTENSION OF STAY.**—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien’s eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) **CONSTRUCTION.**—Nothing in this subsection prevents an eligible alien from seeking adjustment of status in accordance with any other provision of law.

In section 218G of the Immigration and Nationality Act (as amended by section 404(a)), strike paragraph (11) and insert the following:

“(11) **SEASONAL.**—

“(A) **IN GENERAL.**—The term ‘seasonal’, with respect to the performance of labor, means that the labor—

“(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

“(B) **INCLUSION.**—Labor performed on a dairy farm shall be considered to be seasonal labor.

At the end of section 404, add the following:

(c) **CONFORMING AMENDMENT.**—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting “or work on a dairy farm,” after “seasonal nature.”

**AUTHORITY FOR COMMITTEES TO MEET**

**AIRLAND SUBCOMMITTEE**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 12:30 p.m. in closed session to mark up the airland programs and provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss reauthorization of the Federal rail safety program.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in

room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; S. 1089, a bill to amend the Alaska Natural Gas Pipeline Act to follow the Federal Coordinator for Alaska Natural Gas Transportation projects to hire employees more efficiently, and for other purposes; S. 1203, a bill to enhance the management of electricity programs at the Department of Energy; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building for a hearing entitled "Examining the Case for the California Waiver."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m. to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 22, 2007, at 3 p.m. for a hearing titled "Implementing FEMA Reform: Are We Prepared for the 2007 Hurricane Season?"

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Restoring Habeas Corpus: Protecting American Values and the Great Writ" for Tuesday, May 22, 2007, at 10 a.m. in Dirksen Senate Office Building room 226.

Witness list: RADM Donald Guter, USN (ret.), Dean, Duquesne University School of Law, Pittsburgh, PA; William Howard Taft IV, Of Counsel Fried,

Frank, Harris, Shriver & Jacobson LLP, Washington, DC; Mariano-Florentino Cuellar, Professor, Stanford Law School, Stanford, CA; David B. Rivkin, Jr., Partner, Baker & Hostetler LLP, Washington, DC; and Orin Kerr, Professor, George Washington University Law School, Washington, DC.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Minority Entrepreneurship: Assessing the Effectiveness of SBA's Programs for the Minority Business Community," on Tuesday, May 22, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, after the first rollcall vote of the day in the reception room adjacent to the Floor, to conduct a vote on the nomination of Dr. Michael J. Kussman to be Under Secretary for Health at the Department of Veterans Affairs.

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

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 5:30 p.m. in closed session to mark up the Emerging Threats and Capabilities Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

PERSONNEL SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in closed session to mark up the Personnel Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday,

May 22, 2007 at 4 p.m. in closed session to mark up the Readiness and Management Support Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

SEAPOWERS SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 9 a.m. in closed session to mark up the Seapower Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing on the MINER Act during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in room 628 of the Senate Dirksen office building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, May 22, 2007, at 10 a.m. to conduct a joint hearing entitled "GAO Personnel Reform: Does it meet expectations?"

The joint hearing will take place in conjunction with the House Committee on Oversight and Government Reform, and the House Subcommittee of Federal Workforce, Postal Service, and the District of Columbia.

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following detailees and fellows on my staff, Mary Giovagnoli, Todd Kushner, and Mischelle VanBrakle, be granted floor privileges for the remainder of the first session of the 110th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13,