

Congress to provide Braille books, recordings, sound reproduction equipment, musical scores, and other materials to the blind and physically disabled individuals.

Currently, the National Federation of the Blind provides these services through its NFB-NEWSLINE program which has been funded by the Library of Congress through its Books for the Blind program. The NFB-NEWSLINE program is a telephone-based electronic audio newspaper service serving our Nation's 1.3 million blind Americans by providing 23 million minutes of on-demand service in response to 2,600 calls per day at an average cost of 2.7 cents per minute.

Congress established the Books for the Blind program within the Library of Congress in 1931. The program is administered by the National Library Service for the Blind and Physically Handicapped, NLS, which continues to be the primary source of Braille and audio books and magazines for blind adults today. However, until development of the NFB-NEWSLINE program, it was not economically feasible for NLS to provide timely access to newspapers for the blind. Under current production methods, it would require several weeks for NLS to prepare and deliver a single copy of a daily newspaper.

The NFB-NEWSLINE program, however, is designed for real time rapid distribution of the electronic text of newspapers. Under this program, the blind can access daily newspapers on the day of publication through telephone access to the digital text. The funding for this program has been provided by a public-private partnership between NFB-NEWSLINE, state sponsors, including public libraries, rehabilitation agencies, and several affiliates of NFB, and the Library of Congress. Newspaper and magazine content is contributed by many participating news organization and publishers.

The bill Senator LOTT and I are introducing today will ensure the continued Federal share of this partnership so that NFB-NEWSLINE can continue to serve as the multi-state provider of this service. Currently, NFB-NEWSLINE provides some level of service to all 50 states, the District of Columbia and Puerto Rico by providing local dialing numbers for the blind and disabled to use to access newspapers and periodicals. The annual telecommunications costs for this service is approximately \$750,000 which serves approximately 40 percent of the eligible readers.

This bill will enable NFB-NEWSLINE to continue to serve existing readers with improved services while at the same time expanding services to more readers. The bill authorizes \$750,000 for this service in fiscal year 2007 and such sums as are necessary in fiscal years 2008–2011. This is a very efficient program that for a very small Federal investment will allow the blind and disabled to more fully participate in their

communities through access to the daily news. With the current state of technology, it is simply unacceptable that the blind and disabled do not have real time access to daily newspapers and periodicals.

I commend NFB-NEWSLINE for developing this public-private partnership to serve the needs of the blind and disabled individuals and I pleased to introduce this legislation to ensure the continuation of this program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 167, strike lines 17 through 20.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, strike line 21 and all that follows through page 409, line 19, and insert the following:

(7) WORK DAY.—The term “work day” means any day in which the individual is employed 8 or more hours in agriculture.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an “employment authorized” endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to \$1,000.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT FOR ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) **ESTABLISHMENT OF PROCESS.**—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) **INITIATION OF ARBITRATION.**—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) **ARBITRATION PROCEEDINGS.**—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) **EFFECT OF ARBITRATION FINDINGS.**—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) **TREATMENT OF ATTORNEY'S FEES.**—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) **NONEXCLUSIVE REMEDY.**—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) **EFFECT ON OTHER ACTIONS OR PROCEEDINGS.**—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of

days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) **CIVIL PENALTIES.**—

(i) **IN GENERAL.**—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed \$1,000 per violation.

(ii) **LIMITATION.**—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) **ADJUSTMENT TO PERMANENT RESIDENCE.**—

(I) **AGRICULTURAL WORKERS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) **QUALIFYING EMPLOYMENT.**—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) **PROOF.**—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) **EXTRAORDINARY CIRCUMSTANCES.**—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) **APPLICATION PERIOD.**—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) **FINE.**—The alien pays a fine to the Secretary in an amount equal to \$1,000.

(vi) **ENGLISH LANGUAGE.**—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

FLOOR PRIVILEGES

Mr. CORNYN. Mr. President, I ask unanimous consent that Meagan Moroney, who is interning with me this

week, be granted privilege of the floor for the remainder of this session today.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 631, 635, 636, 637, 638, 639, 641 through 662, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

George McDade Staples, of Kentucky, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Director General of the Foreign Service.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Horace A. Thompson, of Mississippi, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

DEPARTMENT OF EDUCATION

Kent D. Talbert, of VIRGINIA, to be General Counsel, Department of Education.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J.C.A. Stagg, of Virginia, to be a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Vince J. Juaristi, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2009.

Jerry Gayle Bridges, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

AIR FORCE

The following named Air National Guard of the United States Officer for appointment as Director, Air National Guard and for appointment to the grade indicated in the United States Air Force under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Craig R. McKinley

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William M. Fraser III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Kevin P. Chilton

The following named officer for appointment in the United States Air Force to the