

(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.—

(1) 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

grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Norman R. Seip

The following named officer for appointment as the Surgeon General of the Air Force and 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., sections 8036 and 601:

*To be lieutenant general*

Maj. Gen. James G. Roudebush

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 64:

*To be major general*

Brig. Gen. Dana T. Atkins

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Lawrence A. Stutzriem

The following Air National Guard of the United States Officer for appointment in the reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Linda K. McTague

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*

Maj. Gen. Robert J. Elder, Jr.

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. David A. Deptula

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. Victor E. Renuart, Jr.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 601:

*To be major general*

Brig. Gen. Elder Granger

The following named officer for appointment in the United States Army 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. David F. Melcher

The following named officer for appointment in the United States Army 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*

Maj. Gen. Stephen M. Speakes

The following named officer for appointment in the reserve of The Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Ronald D. Silverman

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Michael A. Ryan

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Stephen V. Reeves

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and appointment to the grade indicated under the provisions of title 10, U.S.C., sections 3038 AND 601:

*To be lieutenant general*

Maj. Gen. Jack C. Stultz, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Alan T. Baker

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

*To be rear admiral*

Rear Adm. (lh) Robert F. Burt

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Gregory J. Smith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Captain Townsend G. Alexander  
 Captain David H. Buss  
 Captain Kendall L. Card  
 Captain John N. Christenson  
 Captain Michael J. Connor  
 Captain John Elnitsky, Ii  
 Captain Kenneth E. Floyd  
 Captain Philip H. Greene  
 Captain Bruce E. Grooms  
 Captain James C. Grunewald  
 Captain Edward S. Hebner  
 Captain Michelle J. Howard  
 Captain Arnold O. Lotring, Jr.  
 Captain James P. McManamon  
 Captain Joseph P. Mulloy  
 Captain Charles E. Smith  
 Captain Scott H. Swift  
 Captain David M. Thomas  
 Captain Kurt W. Tidd  
 Captain Michael P. Tillotson  
 Captain Mark A Vance  
 Captain Garry R. White  
 Captain Edward G. Winters, iii

NOMINATIONS PLACED ON THE SECRETARY'S  
 DESK

IN THE AIR FORCE

PN1383 AIR FORCE nominations (1955) beginning Rosalind L. Abdulkhalik, and ending Jesse B. Zypallis, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1471 AIR FORCE nominations (6) beginning Steven L. Alger, and ending Rachlle Paulkagiri, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

IN THE ARMY

PN1470 ARMY nomination of Chantel Newsome, which was received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1497 ARMY nomination of Kenneth A. Kraft, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1498 ARMY nominations (4) beginning Mark A. Burdt, and ending Robert L. Porter, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1499 ARMY nominations (6) beginning Betty J. Williams, and ending Henry R. Lemley, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1500 ARMY nomination of Thomas F. Nugent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1501 ARMY nomination of Michael F. Lorich, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1502 ARMY nomination of Brian O. Sargent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1503 ARMY nominations (4) beginning Brian K. Hill, and ending Charles W. Wallace, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

IN THE NAVY

PN1467 NAVY nominations (5) beginning Robert J. Tate, and ending Edward A. Sylvester, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1468 NAVY nominations (4) beginning William L. Yarde, and ending Bruce R. Deschere, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1469 NAVY nominations (53) beginning Gregory G. Allgaier, and ending Timothy J. Yanik, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CELEBRATING PROGROWTH TAX  
 POLICY

Mr. FRIST. Madam President, we will be closing in a few moments, but I did want to comment on an event this week that in many ways celebrates the progrowth tax policy that President Bush initiated over 5 years ago, and which, with the 2001 and 2003 tax cuts, tax relief, and the relief of regulatory burden, has resulted in quite remarkable growth in our economy over the last 18 months.

This week in the Rose Garden the President signed into law the Tax Increase Prevention and Reconciliation Act of 2005. The bill represents a real victory for the American people, for each and every American family, and for the continued strength and vibrancy and resilience of an economy that leads the world.

The Republican majority has worked hard to resist efforts to raise taxes, and that is exactly what this bill accomplished. It was 6 years ago, back in