

gaining access to the Federal fund until private insurance companies and the State catastrophe fund met their financial obligations.

Why is this good for homeowners? Because this backup mechanism will improve the solvency and capacity of homeowners insurance markets, which will reduce the chance that consumers will lose their insurance coverage or be hit by huge premium increases.

Importantly, the Homeowners Insurance Protection Act of 2006 also recognizes that part of the problem with our broken property and casualty insurance system lies with outdated building codes and mitigation techniques. Noted insurance experts and consumer groups have been pointing out this problem for many years. So, under the bill, the Secretary of the Treasury would establish an expert commission to assist States in developing mitigation, prevention, recovery, and rebuilding programs that would reduce the types of enormous damage we have seen caused by recent hurricanes.

I note that this bill covers not just hurricanes, but catastrophes such as earthquakes, cyclones, tornados, catastrophic winter storms, and volcanic eruptions. These are disasters that can—and do—occur in many different States. Again, every State and every taxpayer is affected by this problem, not just Florida.

This bill has widespread support from a broad range of stakeholders, including ProtectingAmerica.org, a national coalition of first responders, businesses, and emergency managers. This organization is cochaired by former FEMA Director James Lee Witt, one of the most respected names in disaster prevention and preparedness.

The second bill I am introducing today is the Catastrophe Savings Accounts Act of 2006, S. 3115. The companion bill was introduced in the House of Representatives by a bipartisan group of Members including TOM FEENEY and DEBBIE WASSERMAN SCHULTZ.

This bill proposes changing the Federal Tax Code to allow homeowners to put money aside—on a tax-free basis—to grow over time. If and when a catastrophe hits, a homeowner could take the accumulated savings out of the account to cover uninsured losses, deductible expenses, and building upgrades to mitigate damage that could be caused in future disasters. Homeowners could even reduce their insurance premiums because their tax-free savings would allow them to choose higher deductibles.

The benefits of this approach are pretty straightforward and very consumer friendly. Homeowners would be encouraged to plan in advance for future disasters, and they wouldn't be taxed to do it. Moreover, homeowners wouldn't be as dependent on insurance companies to help them out immediately after a disaster. As one expert has noted, why should a consumer continue to give insurance companies

thousands of dollars each year when the consumer could deposit the same amount of money annually in a tax-free, interest-bearing savings account controlled by the consumer?

The third bill I am introducing today is the Policyholder Disaster Protection Act of 2006, S. 3116. This bill was introduced in the House of Representatives by MARK FOLEY and has eight cosponsors.

Under this bill, insurance companies would be permitted to accumulate tax-deferred catastrophic reserves, much the way that homeowners would be permitted under the bill I just discussed. Depending on their size, insurance companies could save up to a certain capped amount, which would grow over time.

Our current Federal Tax Code actually provides a disincentive for insurance companies to accumulate reserve funds for catastrophes. Under the current system, insurance companies can only reserve against losses that already have occurred, instead of future losses. The United States is the only industrialized nation that actually taxes reserves in this way. It is time for reform, so that consumers are better protected.

Make no mistake though—this bill is not a giveaway to the insurance companies. Instead, the Policy Disaster Protection Act of 2006 would strictly regulate when and how insurance companies could access their reserves, to make sure the money is used only for its intended purposes.

If implemented correctly, this bill could result in approximately \$15 billion worth of reserves being saved up by insurance companies, which later could be spent to pay for policyholder claims and to keep insurance policies available and affordable. Consumers could feel more protected knowing that their insurance company would have the money saved to help them out after a major disaster. Moreover, this approach should help make the insurance market more stable and less prone to insurers going bankrupt.

Finally, the fourth bill, S. 3114, that I am introducing as part of my comprehensive reform package is the Commission on Catastrophic Disaster Risk and Insurance Act of 2006.

Under this bill, Congress would create a Federal commission—made up of a cross-section of the best experts in the Nation—to quickly recommend to Congress the best approach to addressing catastrophic risk insurance. The experts on the commission would be required to analyze the three bills that I am introducing today, along with other potential approaches to reforming our insurance system.

Creating a Federal commission is not always the best answer, especially if it can slow down reform efforts. But in this case, the opposite would occur. I say that with confidence—because I am following a successful model that I used when I was insurance commissioner for the State of Florida in the

1990s. After Hurricane Andrew devastated South Florida in 1992, I created a nonpartisan commission comprised of university presidents.

I asked the Florida commission to study the problems with the property and casualty insurance market and recommend what legislative reforms were necessary to restore health to Florida's system. Within months, the commission acted—breaking through the deep political logjam and inertia—to recommend the legislative reforms that ultimately became State law.

That model worked then, and I think it can work now on a Federal level. Without the work of an expert, neutral commission to help guide us in these incredibly complex matters, I fear that Congress will never find the consensus necessary to reform the system and bring stability.

Let me emphasize again what we need to accomplish to reform our current insurance system and to effectively plan for catastrophic losses.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. We need a property and casualty insurance system that is not forced to spend valuable taxpayer dollars after a catastrophe strikes. We need a system that protects consumers and small businesses from losing their insurance policies or being forced to pay exorbitant insurance rates. We need ways to encourage responsible construction and mitigation techniques. And we need a system that helps insurance companies use their resources in cost-effective ways so that they will not go insolvent after major disasters.

Our American economy depends on a healthy property and casualty insurance system. By enacting meaningful reforms, we can ensure that our economy remains protected and remains the most resilient economy in the world. I know this complicated process won't be easy for us—but let's roll up our shirtsleeves and get it done.

I request that the four bills I discussed—S. 3114, S. 3115, S. 3116, and S. 3117—be printed in the CONGRESSIONAL RECORD.

#### PASSAGE OF S. 2611

Mr. FEINGOLD. Mr. President, this was a truly historic week for the Senate. With passage of the Comprehensive Immigration Reform Act of 2006, S. 2611, we have succeeded in maintaining several key components of the bill that passed out of the Judiciary Committee 2 months ago—components that I believe are crucial to fixing our broken immigration system.

For starters, supporters of comprehensive reform in the Senate banded together to defeat efforts to remove or further weaken provisions in this bill that will allow the estimated 11 million to 12 million undocumented immigrants currently living in the United States to earn legal status. As both the

President and the Secretary of Homeland Security have said, mass deportation is not a realistic option. Neither is amnesty. This legislation would require those who are here illegally to come forward, pay hefty fines, pay taxes, learn English and civics, work, and wait in the back of the line—before earning the privilege of permanent resident status and ultimately a path to citizenship if they choose to pursue it. These core provisions remain in the bill, and that is critical.

However, I am disappointed in the changes to the legalization process that were made as part of the Hagel-Martinez compromise when the bill was first taken up on the Senate floor in April. The compromise would treat differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two categories of people differently. During floor consideration, I voted to remove these arbitrary distinctions from the bill. Unfortunately, that vote failed, and I believe we must accept this compromise as the only way to move forward with comprehensive immigration reform this year.

I am pleased that efforts to gut the guest worker program were not successful and that the Senate added additional measures to strengthen labor protections for U.S. workers. We need a guest worker program that allows employers to turn to foreign labor as a last resort when they genuinely cannot find American workers to do the job. But it is important that any guest worker program contain strong labor protections, as the program outlined in the legislation does. These protections will help ensure that the program does not adversely affect wages and working conditions for U.S. workers, and that we do not create a second-class of workers, who are subject to lower wages and fewer workplace protections. Furthermore, by permitting these workers to enter the country legally, we can try to avoid a future flow of undocumented workers who would otherwise create a new underground economy.

New border security measures are, of course, an absolutely critical element of any immigration reform bill. This bill contains important provisions to increase and improve the personnel, equipment, infrastructure, and other resources our country needs to protect the border, and I strongly support those measures. But border security alone is not enough. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. We also must create realistic legal channels for immigrants to come to the United States and that allow undocu-

mented immigrants who pass background checks to earn legal status. This reform of our immigration system is important to our national security because it will enable our border agents to focus their efforts on terrorists and others who pose a serious threat to Nation.

The bill contains other important proposals, such as the DREAM Act, which provides higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own; and the AgJOBS bill to help agricultural workers; and family reunification. These provisions may not have been subject to as much debate as other elements of the bill, but they are just as important.

The amendment process also brought improvements to title III of the bill, which creates a new mandatory, nationwide electronic employment verification system. If not implemented correctly, such a system could result in countless U.S. citizens and other work-authorized individuals being denied work as a result of errors or discrimination, a result that none of us want. The new version of title III contains important privacy, due process, and labor protections to ensure that implementation of this system is as fair and accurate as possible. That said, this system is a dramatic expansion of an existing pilot program that has faced a variety of serious problems, and I have concerns about expanding it to a nationwide mandatory scheme. Its implementation will require robust congressional oversight to ensure that citizens and work-authorized immigrants are not turned down for jobs because of mistaken results.

Although the border security measures and the core reforms to our immigration system that are in this bill are very important, I do have concerns about some aspects of this bill, including some changes that were made to this bill during the amendment process on the Senate floor.

One successful floor amendment would require the Government to build 370 miles of fence along the southern border. Every Member of this body recognizes that border security is critical to our Nation's security, but I opposed the border fencing amendment because I cannot justify pouring Federal dollars into efforts that have questionable effectiveness. Border fencing costs between \$1 million and \$3 million per mile. And yet we will be committing vast resources to an initiative that I have serious doubts will even work. While fencing can be effective in urban areas, adding hundreds of miles of fencing in rural sections of the border will not stem the flow of people who are willing to risk their lives to come to this country.

I was also disappointed that the Senate approved the amendment making English the national language of the United States. Instead of considering divisive English-only amendments that

fan the flames of tension over the issue of immigration, we should be providing recent immigrants with more opportunities to learn English. I also am concerned that this amendment's language could limit the ability of the Federal Government to communicate with its citizens, which could have potentially devastating consequences in situations like national emergencies. That is why I supported an alternative amendment proposed by Senator SALAZAR, which simply recognized English as the "common and unifying" language of the United States.

I continue to have serious concerns about some provisions in title II of the bill. Despite improvements that were made in the Judiciary Committee, title II still contains provisions that are both ill-advised and unnecessary. Title II contains measures that require excessive deference to executive agency decisionmaking in a variety of immigration contexts; that expand the categories of individuals subject to the most draconian immigration consequences and apply some of these changes retroactively; and that require that civil immigration violators be put in the central criminal database used by local, State and Federal agencies around the country. Eroding due process rights for people in this country will not make us safer, nor is it in keeping with our Nation's values of fairness and justice. It will be important that we work to improve some of these provisions in the conference process.

I was very pleased, however, that the Senate voted in favor of an amendment that I offered on the floor to strike a provision in title II that could have had devastating consequences for asylum seekers. The provision would have made it harder for asylum seekers, victims of trafficking, and other immigrants to get a temporary stay of removal while they pursue their appeal than it would be to win on the merits. This absurd result has been rejected by seven courts of appeals, and the Senate is now on record as well. Although there are many other problems with title II of the bill, this was a significant improvement and reinstates a critical due process protection.

An amendment offered by Senator ENSIGN relating to Social Security benefits, which was tabled, has been the subject of a great deal of misinformation. Under current law, undocumented immigrants are not entitled to Social Security benefits, and there is nothing in the underlying bill that would change this. Under the Ensign Social Security amendment, immigrants who paid into Social Security and later earned legal status would have been prevented from having their earnings that they already paid into the system count toward their retirement benefits. The amendment, which I opposed, would have limited the Social Security benefits only of U.S. citizens and those

in the country legally. This amendment would have harmed elderly or disabled individuals who would be impoverished despite having paid into the Social Security system for many years and would deny innocent American children who are born to these workers survivor benefits, regardless of how long their mother or father worked and paid taxes in the United States. In addition, the Ensign amendment would have forced taxpayers to pay more for the means-tested welfare programs to which these impoverished individuals would have had to turn. For these reasons, I opposed the Ensign amendment, and I am pleased that the majority of my colleagues did as well.

Mr. President, the end result of several weeks of hard work is bipartisan, compromise legislation that will bring meaningful reforms to a system that has long been broken. The bill is far from perfect, but on balance, I believe it is a victory for supporters of comprehensive reform. But as the saying goes, it ain't over 'til it's over. In order for this legislation to become law, we need our colleagues in the House to work with the Senate during the conference committee process and to adopt a comprehensive approach to this issue. And we need the President, who has come out in favor of comprehensive reform, to stay invested in this process. He has spoken, but now he must act. We will need his help in convincing members of the House to abandon ill-conceived notions like criminalizing undocumented people and those who provide humanitarian support to them, and chiseling away at due process rights. The President's leadership, and the willingness of House leaders to work with the Senate, will be crucial in order to retain the important reform provisions contained in this bill during the conference process.

This is a defining moment for America, and I am hopeful that the Senate, the House, and the President will work together so that we can build on this success and enact a comprehensive reform bill by the end of this Congress.

#### COSPONSORSHIP OF S. 1112

Mr. BURNS. Mr. President, I would like to lend my support to S. 1112, the College 529 Invest Act of 2005, which I cosponsored today. A college education is more important today than it has ever been before. As the intrinsic value of a college education has increased, so too has the financial costs associated with it. In the last 10 years, the cost of a 4-year college education at a public institution increased 59 percent, while in public institutions it has grown by 42 percent. This increased cost dramatically outpaces average family income growth during the same time period.

It is not surprising that Montanans have expressed concerns about how they will pay such a hefty pricetag for their children's futures. It is our responsibility in the Senate to make sav-

ing for college manageable for many families who also struggle to save for their own retirement and may live from paycheck to paycheck. Federal programs can defray some of the costs, but this alone cannot pay the bills. Tax relief passed in 2001 permitted States to implement their own plans, creating a tax benefit for those families who chose to invest in them. Since 1998, 12,539 qualified tuition program accounts total more than \$146 million in Montana alone.

Without congressional action, the tax benefits of these plans will expire in 2010. Withdrawals made after 2010 will be subjected to taxation that means in just a little over 3 years from now, parents who invested in these 529 plans for the tax benefits will face an unanticipated tax liability. This sunset provision casts serious doubt on the likelihood a family would set up a 529 plan given such uncertainty. S. 1112 would make the tax provisions of these important plans permanent, providing much-needed certainty to parents and their children heading off to college in the future.

#### HOLD ON NOMINATION OF DAVID BERNHARDT

Mr. WYDEN. Mr. President, I rise today to attempt, once again, to raise awareness of the plight of countless rural communities due to the impending expiration of the Secure Rural Schools and County Self-Determination Act. I regret that the lack of concern at the White House and the inertia in Congress forces me to put a hold on David Bernhardt, the administration's nominee for Interior Solicitor. It is time for everyone to focus their attention on the needs of the more than 700 rural counties in over 40 States that are depending on the reauthorization of this county payments legislation.

Thus far, the administration's solution to funding county payments is unacceptable. The county payments law, which provides a stable revenue source for education, roads, and other county services in rural areas, is due to expire at the end of this year. In early 2005, I coauthored a bipartisan bill, S. 267, to reauthorize county payments for another 7 years. The bill has 26 Senate cosponsors. In February, the administration proposed reauthorizing the law for only 5 years while cutting funding by 60 percent and funding that reduced portion with a controversial Federal land sale scheme. In response, Senator BAUCUS proposed a sensible, alternative funding source for county payments, a proposal which I was pleased to cosponsor. Our legislation fully funds county payments by ensuring that a portion of Federal taxes are withheld from payments by the Federal Government to government contractors. The Federal Government currently does not withhold taxes when it pays government contractors. Recently, however, over my objections, Congress approved a major tax bill that uses the Baucus

proposal to instead provide tax cuts for this country's most fortunate few. This lack of regard for the historic obligations of the Federal Government to rural counties severs a vitally important funding lifeline to communities throughout the country.

I will hold this nominee—and many nominees coming after him, if need be—until the administration finds an acceptable way to fund county payments.

#### DO THE WRITE THING CHALLENGE 2006

Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, or DtWT, is a national program that gives middle school students the opportunity to reflect on and express themselves about youth violence in their communities. DtWT combines classroom discussion with a writing contest that focuses on personal responsibility in solving youth violence problems. Since it was created in 1994, more than 350,000 middle school students have participated in DtWT activities, and the program has grown to include participants from 28 different jurisdictions, including Detroit, MI.

In 2005, more than 32,000 students participated in the DtWT writing contest. To participate, students are asked to write an essay, poem, play, or song that addresses the impact of violence on their life, the causes of youth violence, and the things that they can do to prevent youth violence around them. As part of their participation in the contest, students are also asked to make a personal commitment that they will put their thoughts into action by working to help stop youth violence in their daily lives.

Each year, a DtWT Committee made up of community, business, and governmental leaders from each participating jurisdiction reviews the writing submissions of the students and picks two national finalists, one boy and one girl, from their area. I am pleased to recognize this year's national finalists from Detroit, Demetrius Adams and Tiffini Baldwin, for their outstanding work and dedication to the prevention of youth violence.

Both Demetrius and Tiffini wrote about the serious effect that guns, gangs, and drugs can have on the lives of teenagers. Their writings demonstrate a deep understanding of the impact that a single act of violence can have on an entire community. I am impressed by the maturity they have shown in their work and congratulate them on being selected as national finalists.

In July, Demetrius and Tiffini will join the other DtWT national finalists in Washington, DC, for National Recognition Week. During the week's activities, the national finalists will attend a recognition ceremony and have their work permanently placed in the Library of Congress. In addition, they will have the opportunity to share