

rapidly, and the arbitrary cap that Congress imposed on QFTs makes planning more difficult. Today I am proud to introduce this bipartisan legislation, along with my colleague from Wisconsin, the chairman of the Special Committee on Aging, Senator KOHL. We are also joined by two of our distinguished colleagues, Senators SPECTER and CRAPO. The change would have a positive impact on the lives of older Americans and on their families. In addition, according to the Joint Committee on Taxation, it would have a slight, but positive, impact on the Federal treasury.

When Congress created QFTs, it did so as a tax simplification measure. Unfortunately, it capped the size of these trusts at \$7,000, adjusted regularly for inflation. This year, the inflation-adjusted cap is \$8,800, but in many instances, this amount is no longer sufficient to cover a family's funeral expenses. In Utah, the average cost of a full funeral and burial is \$12,685. I am sure that in many other states it is even higher. Because of this contribution limit, even those who preplan their own funerals too often leave their heirs with substantial expenses. Even those who attempt to cover the entire expense may not have enough money to cover all costs after administrative fees and taxes are deducted.

This proposal would make Qualified Funeral Trusts more effective. The principal reason individuals set up Qualified Funeral Trust plans is to lift a financial burden from their children. Ordinarily, trusts for funeral expenses are grantor trusts, and the beneficiary is responsible for paying any tax on income generated by the trust. Congress recognized, however, that this result created an administrative burden for the beneficiary or the funeral director trustee. As a result, Congress enacted Section 685 of the Internal Revenue Code, allowing funeral director trustees to elect to pay the tax on income earned by funeral trusts. This tax simplification measure eased the paperwork burden and administrative costs on funeral director trustees, who were previously required to issue hundreds of 1099 forms to their elderly customers. It also eliminated the tax liability and confusion of many elderly Americans who previously received these forms. Unfortunately, only those trusts under the cap are currently eligible for designation as QFTs. By removing this restrictive cap, our legislation will eliminate unnecessary administrative burdens on beneficiaries and trustees.

Let me give you an example of how the current cap creates unnecessary confusion for families. I have used this example before. It remains worth telling. Four years ago, a constituent of mine wrote me about this situation. He was suffering from Parkinson's disease. So he began planning his own funeral in order that these decisions and this burden would be lifted from his children. Because of the cap on QFTs, how-

ever, which at the time was \$7,800, this Utahn was not able to fully fund the funeral services he desired. It became necessary to have one of his sons complete this planning for him by opening up his own, separate trust that would help to cover the remaining expenses. We should not be making it hard for families to do the right thing. We should not be making families jump through extra hoops when all they are trying to do is make these responsible decisions, well in advance of need.

For older Americans, the primary benefits of this legislation are the ability to have all the money they have saved in the trust be applied to final expenses, instead of taxes, and the incentive to increase the amount of their contribution. Sixty percent of prefunded funerals were funded by trusts and elimination of the cap should raise this percentage. For funeral directors, this change would eliminate the burden and expense of issuing information documents to report income earned from the trust.

The National Funeral Directors Association supports this legislation. So too do numerous funeral homes that serve the people of Utah.

I have no doubt that many more of these funeral businesses, many of which are family-owned and family-run, that serve local communities from coast to coast support this legislation as well.

I think we can all agree that we should make it easier for those who are willing to provide for these necessary expenses in advance. Today, I ask my colleagues to join me in an effort to enact this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1743

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.**

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

#### **SUBMITTED RESOLUTIONS**

#### **SENATE RESOLUTION 260—STRENGTHENING THE POINT OF ORDER AGAINST MATTERS OUT OF SCOPE IN CONFERENCE REPORTS**

Mr. DEMINT submitted the following resolution; which was referred to the

Committee on Rules and Administration:

S. RES. 260

*Resolved,*

#### **SECTION 1. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.**

(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained—

(1) the matter in such conference report shall be stricken; and

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made);

(B) the question shall be debatable; and

(C) no further amendment shall be in order.

(c) LIMITATION.—

(1) IN GENERAL.—In this section, the term “matter not committed to the conferees by either House” shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) RULE XXVIII.—For the purpose of rule XXVIII of the Standing Rules of the Senate, the term “matter not committed” shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

#### **SENATE RESOLUTION 261—EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS “MR. WIZARD”**

Mr. COLEMAN (for himself, Mr. DOMENICI, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. FEINGOLD, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 261

Whereas many citizens of the United States remember Donald Jeffry Herbert as “Mr. Wizard” and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher’s College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the United States Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with 3 oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in “Watch Mr. Wizard”, a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education;

Whereas “Watch Mr. Wizard” has been recognized by numerous awards;

Whereas an additional educational program, “Mr. Wizard’s World”, inspired children from 1983 to 1990 on cable television;

Whereas “Mr. Wizard” continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas “Mr. Wizard” encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas “Mr. Wizard’s” dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States; Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders condolences to the family of Don Herbert and thanks them for their strong familial support of him.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to

amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1981. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1982. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1983. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1984. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1985. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1986. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1988. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1989. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1990. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1991. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1992. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1993. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1994. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1995. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1996. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1997. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1998. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1999. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 2000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

#### SEC. \_\_\_\_ . RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting “, or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007,” after “United States”.

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XI, add the following:

#### SEC. \_\_\_\_ . FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking “87,000” and inserting the following: “137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)”.