

112TH CONGRESS  
1ST SESSION

# H. R. 1033

To amend the Internal Revenue Code of 1986 to allow a credit for unreimbursed funeral expenses with respect to a deceased indigent individual.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2011

Mr. BROUN of Georgia introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to allow a credit for unreimbursed funeral expenses with respect to a deceased indigent individual.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indigent Funeral Ex-  
5 pense Reimbursement Act of 2011”.

6 **SEC. 2. INDIGENT FUNERAL EXPENSES CREDIT.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-  
8 chapter A of chapter 1 of the Internal Revenue Code of  
9 1986 is amended by adding at the end following new sec-  
10 tion:

1 **“SEC. 45S. INDIGENT FUNERAL EXPENSES.**

2 “(a) IN GENERAL.—For purposes of section 38, the  
3 indigent funeral expenses credit for any taxable year is  
4 an amount equal to the qualified indigent funeral expenses  
5 of the taxpayer for the taxable year.

6 “(b) LIMITATION.—The aggregate amount of quali-  
7 fied indigent funeral expenses which may be taken into  
8 account under subsection (a) for a taxable year with re-  
9 spect to a deceased indigent individual shall not exceed  
10 \$3,000.

11 “(c) QUALIFIED INDIGENT FUNERAL EXPENSES.—  
12 For purposes of this section—

13 “(1) IN GENERAL.—The term ‘qualified indi-  
14 gent funeral expenses’ means, with respect to any  
15 person in the trade or business of providing funeral  
16 or burial goods and services, any unreimbursed  
17 amount paid or incurred by such trade or business  
18 to provide funeral or burial goods and services for  
19 a deceased indigent individual.

20 “(2) INDIGENT INDIVIDUAL.—The term ‘de-  
21 ceased indigent individual’ means any deceased indi-  
22 vidual with respect to whom the cost of any such fu-  
23 neral or burial goods and services is reimbursable to  
24 the taxpayer by a State by reason of the indigent  
25 status (as determined under State law) of such indi-  
26 vidual.

1       “(d) SPECIAL RULES RELATING TO REIMBURSE-  
2 MENT.—For purposes of this section—

3           “(1) if, by reason of the indigent status of an  
4 individual, a credit (other than the credit allowed  
5 under subsection (a)) or deduction is allowable with  
6 respect to the cost of the funeral or burial goods and  
7 services of such individual for purposes of deter-  
8 mining the taxpayer’s State income tax liability,  
9 such cost shall be treated as reimbursable, and

10          “(2) to the extent any such credit or deduction  
11 reduces the taxpayer’s State income tax liability,  
12 such amount shall be treated as reimbursed.

13       “(e) AGGREGATION RULES.—All persons treated as  
14 a single employer under subsection (a) or (b) of section  
15 52 or subsection (m) or (o) of section 414 shall be treated  
16 as one person for purposes of this section.”.

17       (b) CREDIT MADE PART OF GENERAL BUSINESS  
18 CREDIT.—Subsection (b) of section 38 of such Code is  
19 amended by striking “plus” at the end of paragraph (35),  
20 by striking the period at the end of paragraph (36) and  
21 inserting “, plus”, and by adding at the end the following  
22 new paragraph:

23           “(37) the indigent funeral expenses credit de-  
24 termined under section 45S(a).”.

1           (c) CLERICAL AMENDMENT.—The table of sections  
2 for subpart D of part IV of subchapter A of chapter 1  
3 of such Code is amended by adding at the end the fol-  
4 lowing new item:

“Sec. 45S. Indigent funeral expenses.”.

5           (d) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to taxable years beginning after  
7 the date of the enactment of this Act.

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