

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Internal Revenue Code of 1986 to exclude from gross income amounts received from State-based catastrophe loss mitigation programs.

---

IN THE SENATE OF THE UNITED STATES

---

Mrs. FEINSTEIN (for herself, Mr. PADILLA, Mr. CASSIDY, Mr. TILLIS, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Internal Revenue Code of 1986 to exclude from gross income amounts received from State-based catastrophe loss mitigation programs.

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 “Disaster Mitigation  
5 and Tax Parity Act of 2023”.

1 **SEC. 2. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-**  
2 **BASED CATASTROPHE LOSS MITIGATION**  
3 **PROGRAMS.**

4 (a) IN GENERAL.—Section 139 of the Internal Rev-  
5 enue Code of 1986 is amended by redesignating subsection  
6 (h) as subsection (i) and by inserting after subsection (g)  
7 the following new subsection:

8 “(h) STATE-BASED CATASTROPHE LOSS MITIGATION  
9 PROGRAMS.—

10 “(1) IN GENERAL.—Gross income shall not in-  
11 clude any amount received by or paid for the benefit  
12 of an individual as a qualified catastrophe mitigation  
13 payment under a program established by—

14 “(A) a State or any political subdivision or  
15 public instrumentality thereof,

16 “(B) a joint powers authority, or

17 “(C) an entity created by State law to en-  
18 sure the availability of an adequate market of  
19 last resort for essential property insurance or  
20 basic property insurance, over which a State  
21 agency or State department of insurance has  
22 regulatory oversight,

23 for the purpose of making such payments.

24 “(2) QUALIFIED CATASTROPHE MITIGATION  
25 PAYMENT.—For purposes of this section, the term  
26 ‘qualified catastrophe mitigation payment’ means

1 any amount which is received by or paid for the ben-  
2 efit of the owner of any property to make improve-  
3 ments to such property for the sole purpose of re-  
4 ducing the damage that would be done to such prop-  
5 erty by a windstorm, earthquake, or wildfire.

6 “(3) NO INCREASE IN BASIS.—Rules similar to  
7 the rules of subsection (g)(3) shall apply in the case  
8 of this subsection.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) Section 139(d) of the Internal Revenue  
11 Code of 1986 is amended by striking “and qualified”  
12 and inserting “, qualified catastrophe mitigation  
13 payments, and qualified”.

14 (2) Section 139(i) of such Code (as redesign-  
15 nated by subsection (a)) is amended by striking “or  
16 qualified” and inserting “, qualified catastrophe  
17 mitigation payment, or qualified”.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by  
20 this section shall apply to taxable years beginning  
21 after December 31, 2020.

22 (2) RETROACTIVE APPLICABILITY.—The Sec-  
23 retary of the Treasury, or the Secretary’s delegate,  
24 shall provide an opportunity for individuals to claim  
25 the exclusion from gross income under section

- 1 139(h) of the Internal Revenue Code of 1986, as
- 2 added by this section, including by amended return.