

120th CONGRESS

**1st Session**

**H. R. \_\_\_\_\_**

To amend the Internal Revenue Code of 1986 to allow a deduction for personal expenses incurred due to federally-declared weather disasters, climate-related events, or emergencies.

IN THE HOUSE OF REPRESENTATIVES

Draft proposal prepared by Justin Michal, candidate for Michigan's 1st Congressional District, for consideration during the 120th Congress.

## **A BILL**

To amend the Internal Revenue Code of 1986 to allow a deduction for personal expenses incurred due to federally-declared weather disasters, climate-related events, or emergencies.

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

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "DISASTER Relief Act" (Deducting Immediate and Sustained Allowable Spending Toward Emergency Recovery).

**SEC. 2. DEDUCTION FOR PERSONAL EXPENSES INCURRED DUE TO  
FEDERALLY-DECLARED DISASTERS OR CLIMATE EVENTS.**

(a) In General.— Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 222 the following new section:

"SEC. 223. PERSONAL EXPENSES INCURRED DUE TO FEDERALLY-DECLARED DISASTERS OR CLIMATE EVENTS.

(a) Allowance of Deduction.— In the case of an individual, there shall be allowed as an above-the-line deduction an amount equal to the qualified climate or disaster-related personal expenses paid or incurred by the taxpayer during the taxable year.

(b) Qualified Expenses Defined.— For purposes of this section, the term 'qualified climate or disaster-related personal expenses' means any out-of-pocket expense that—

(1) is directly attributable to a major disaster, extreme weather-related event, or climate phenomenon;

(2) is incurred in a geographic area declared by the President or the Federal Emergency Management Agency (FEMA) to be a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(3) is not compensated for by insurance or otherwise; and

(4) is used for—

(A) temporary housing or lodging,  
(B) emergency transportation or evacuation,  
(C) repairs or replacement of personal property essential to daily life,

(D) cleanup, health, or safety expenses,  
(E) purchase, rental, or repair of items directly related to emergency response, cleanup, restoration, or sustainability of the residence until normal conditions are restored, including but not limited to—

- electric or gas-powered generators,
- fuel or gasoline for emergency use,
- chain saws and tree removal equipment,
- water pumps, sump pumps, or dehumidifiers,
- temporary heating or cooling systems,
- air purifiers used in response to wildfire smoke or hazardous air quality,
- first-aid or emergency medical supplies for non-insured personal use,
- personal protective equipment (PPE),
- flashlights, radios, batteries, and essential communication tools, and
- any other items deemed necessary by the Secretary; or

(F) other personal needs as determined by the Secretary.

(5) Qualifying events include, but are not limited to, climate or weather-related disasters that occur in any U.S. state, territory, or tribal jurisdiction, such as—

- (A) hurricanes,
- (B) tropical storms,
- (C) tornadoes,
- (D) ice storms,
- (E) blizzards,
- (F) extreme heat waves,
- (G) polar vortexes and extreme cold events,
- (H) wildfires,
- (I) flooding (including flash flooding),
- (J) drought conditions resulting in emergency declarations,
- (K) landslides and mudslides triggered by precipitation or drought,
- (L) earthquakes (if part of an emergency declaration),

(M) volcanic eruptions and lava flows,  
(N) smoke-related displacement from adjacent climate disasters,  
(O) derechos and severe wind events, and  
(P) any other climate or weather-related phenomenon designated as a disaster or emergency by the President or FEMA.

(c) Limitations.— The deduction under this section shall not exceed \$50,000 per taxpayer for any taxable year. The Secretary shall adjust this limitation annually for inflation in accordance with section 1(f)(3).

(d) Documentation.— The taxpayer shall maintain receipts, records, or other documentation as the Secretary may require to substantiate the deduction claimed under this section.

(e) Anti-Abuse Provision.— No deduction shall be allowed under this section for any expense which the Secretary determines to be excessive, fraudulent, or not incurred in good faith.

(f) Regulations.— The Secretary shall issue such regulations or guidance as may be necessary to carry out the purposes of this section, including definitions of covered events, eligible expenses, documentation standards, and coordination with other provisions of this title.

(b) Clerical Amendment.— The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 222 the following new item:

“Sec. 223. Personal expenses incurred due to federally-declared disasters or climate events.”

(c) Effective Date.— The amendments made by this section shall apply to taxable years beginning after December 31, 2026.