

118TH CONGRESS
2D SESSION

S. 4143

To amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for flood insurance premiums.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2024

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for flood insurance premiums.

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 “Flood Insurance Relief
5 Act”.

6 **SEC. 2. DEDUCTION FOR FLOOD INSURANCE PREMIUMS.**

7 (a) ALLOWANCE OF DEDUCTION.—

8 (1) IN GENERAL.—Part VII of subchapter B of
9 chapter 1 of the Internal Revenue Code of 1986 is
10 amended by redesignating section 224 as section

1 225 and inserting after section 223 the following
2 new section:

3 **“SEC. 224. FLOOD INSURANCE PREMIUMS.**

4 “(a) DEDUCTION ALLOWED.—In the case of an indi-
5 vidual, there shall be allowed as a deduction qualified flood
6 insurance premiums paid or incurred during the taxable
7 year with respect to property owned by the taxpayer.

8 “(b) LIMITATION.—

9 “(1) IN GENERAL.—Subsection (a) shall not
10 apply with respect to any taxpayer whose adjusted
11 gross income for the taxable year exceeds \$200,000
12 (\$400,000 in the case of a joint return).

13 “(2) APPLICATION.—For purposes of para-
14 graph (1), the adjusted gross income of the taxpayer
15 shall be determined—

16 “(A) after application of sections 86, 135,
17 137, 219, 221, and 469, and

18 “(B) without regard to this section.

19 “(c) QUALIFIED FLOOD INSURANCE PREMIUMS.—
20 For purposes of this section, the term ‘qualified flood in-
21 surance premiums’ means—

22 “(1) any chargeable risk premium rate for flood
23 insurance under the program established under the
24 National Flood Insurance Act of 1968 (42 U.S.C.
25 4001 et seq.) or the payment of any premium under

1 private flood insurance, as defined in section 102(b)
 2 of the Flood Disaster Protection Act of 1973 (42
 3 U.S.C. 4012a(b)),

4 “(2) any Federal Policy Fee, as defined in Ap-
 5 pendix A(1) to part 61 of title 44, Code of Federal
 6 Regulations, or any successor regulation,

7 “(3) any surcharge described in the flush text
 8 following subparagraph (D) of section 1304(b)(4) of
 9 the National Flood Insurance Act of 1968 (42
 10 U.S.C. 4011(b)(4)), and

11 “(4) any premium surcharge under section
 12 1308A of the National Flood Insurance Act of 1968
 13 (42 U.S.C. 4015a).”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions for part VII of subchapter B of chapter 1 of
 16 such Code is amended by redesignating the item re-
 17 lating to section 224 as relating to section 225 and
 18 by inserting after the item relating to section 223
 19 the following new item:

“Sec. 224. Flood insurance premiums.”.

20 (b) DEDUCTION ALLOWED IN DETERMINING AD-
 21 JUSTED GROSS INCOME.—Section 62(a) of the Internal
 22 Revenue Code of 1986 is amended by inserting after para-
 23 graph (21) the following new paragraph:

24 “(22) FLOOD INSURANCE PREMIUMS.—The de-
 25 duction allowed by section 224.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) Section 74(d)(2)(B) of the Internal Revenue
3 Code of 1986 is amended by inserting “224” after
4 “221”.

5 (2) Section 86(b)(2)(A) of such Code is amend-
6 ed by inserting “224,” after “221,”.

7 (3) Section 135(c)(4)(A) of such Code is
8 amended by inserting “224,” after “221,”.

9 (4) Section 137(b)(3)(A) of such Code is
10 amended by inserting “224” after “221,”.

11 (5) Section 219(g)(3)(A)(ii) of such Code is
12 amended by inserting “224,” after “221,”.

13 (6) Section 221(b)(2)(C)(i) of such Code is
14 amended by inserting “224,” after “219,”.

15 (7) Section 469(i)(3)(E)(ii) of such Code is
16 amended by inserting “224,” after “221,”.

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

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