

Section 165.—Losses

26 CFR 1.165-11: Election in respect of losses attributable to a disaster.

Election in respect of losses attributable to a disaster. This ruling lists the areas declared by the President to qualify as major disaster areas under the Disaster Relief and Emergency Assistance Act since the publication of Rev. Rul. 97-11.

Rev. Rul. 98-12

Under § 165(i) of the Internal Revenue Code, if a taxpayer suffers a loss attributable to a disaster occurring in an area subsequently determined by the President of

the United States to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5204c (1988 & Supp. V 1993) (Act), the taxpayer may elect to claim a deduction for that loss on the taxpayer's federal income tax return for the taxable year immediately preceding the taxable year in which the disaster occurred.

Section 1.165-11(e) of the Income Tax Regulations provides that the election to deduct a disaster loss for the preceding year must be made by filing a return, an amended return, or a claim for refund on or before the later of (1) the due date of the taxpayer's income tax return (determined without regard to any extension of time to file the return) for the taxable year in which the disaster actually occurred, or (2) the due date of the taxpayer's income tax return (determined with regard to any extension of time to file the return) for the taxable year immediately preceding the taxable year in which the disaster actually occurred.

The provisions of § 165(i) apply only to losses that are otherwise deductible under § 165(a). An individual taxpayer may deduct losses if they are incurred in a trade or business, if they are incurred in a transaction entered into for profit, or if they are casualty losses under § 165(c)(3).

The President has determined that during 1997 the areas listed below have been adversely affected by disasters of sufficient severity and magnitude to warrant assistance by the Federal Government under the Act.

DRAFTING INFORMATION

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Disaster Areas in 1997	Type of Disaster	Date of Disaster
Alabama Counties of Baldwin, Choctaw, and Mobile	Severe storms, flooding, and high winds associated with Hurricane Danny	July 17-22, 1997
Arkansas Counties of Baxter, Clark, Clay, Conway, Craighead, Cross, Greene, Hempstead, Hot Spring, Independence, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Nevada, Newton, Poinsett, Pope, Pulaski, Saline, White, and Woodruff	Severe storms and tornadoes	March 1-4, 1997
Counties of Bradley, Clay, Cleburne, Cleveland, Columbia, Craighead, Dallas, Drew, Faulkner, Grant, Greene, Izard, Jackson, Jefferson, Lafayette, Lincoln, Lonoke, Monroe, Montgomery, Ouachita, Poinsett, Searcy, Sharp, St. Francis, Stone, Union, Van Buren, and White	Severe storms and flooding	April 4-21, 1997
California Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino,	Severe storms, flooding, and mud and land slides	December 28, 1996-April 1, 1997

Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; and the City of Morgan Hill

Colorado

Counties of Baca, Clear Creek, Crowley, Elbert, Kiowa, Larimer, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, and Weld Severe storms, heavy rains, flash floods, other flooding, mud and land slides, and severe ground saturation July 28-August 12, 1997

Florida

Counties of Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Polk, and Sumter Severe storms, high winds, tornadoes, and flooding December 25, 1997-January 14, 1998

Guam

Territory of Guam Typhoon Paka and associated torrential rains, high winds, high surf, and tidal surges December 16-17, 1997

Idaho

Counties of Adams, Benewah, Boise, Bonner, Boundary, Camas, Clearwater, Elmore, Gem, Idaho, Koontenai, Latah, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington Severe storms, flooding, and mud and land slides November 16, 1996-January 4, 1997

Counties of Benewah, Bingham, Bonner, Bonneville, Boundary, Butte, Custer, Fremont, Jefferson, Kootenai, Madison, and Shoshone Severe storms, snowmelt, and mud and land slides March 14-June 30, 1997

Illinois

Counties of Alexander, Gallatin, Hardin, Massac, Pope, and Pulaski Severe storms and flooding March 1-April 1, 1997

County of Cook Severe thunder storms and flash flooding August 16-17, 1997

Indiana

Counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jefferson, Ohio, Perry, Posey, Spencer, Switzerland, Vanderburgh, and Warrick Severe storms and flooding February 28-March 31, 1997

Iowa

Counties of Cass, Clarke, Iowa, Jasper, Madison, Mahaska, Marion, Mills, Polk, Pottawattamie, Poweshiek, Union, and Warren Severe winter storm October 26-28, 1997

Kentucky

Counties of Adair, Anderson, Ballard, Severe storms, flooding, and tornadoes March 1-24, 1997

Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Campbell, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clay, Crittenden, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Johnson, Kenton, Knott, Larue, Lawrence, Lee, Leslie, Letcher, Lewis, Livingston, Logan, Lyon, Magoffin, Marion, Marshall, Mason, McCracken, McLean, Meade, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Perry, Pike, Powell, Robertson, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Webster, and Woodford

Louisiana

Counties of Calcasieu, Cameron, and Jefferson Davis Severe ice storm January 12-17, 1997

Michigan

Counties of Genesee, Macomb, Oakland, Saginaw, and Wayne Severe storms, tornadoes, and flooding July 2, 1997

Micronesia

Yap Proper, Ulithi Atoll, and Ngula Atoll of Yap State Typhoon Fern December 25-26, 1996

Minnesota

Counties of Becker, Beltrami, Benton, Big Stone, Blue Earth, Brown, Chippewa, Clay, Clearwater, Cottonwood, Douglas, Faribault, Grant, Hubbard, Jackson, Kandiyohi, Kittson, Lac Qui Parle, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Pope, Red Lake, Redwood, Renville, Rock, Roseau, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wadena, Waseca, Watonwan, Wilkin, Wright, and Yellow Medicine Severe winter storms January 3-February 3, 1997

Counties of Aitkin, Anoka, Becker, Beltrami, Benton, Big Stone, Blue Earth, Brown, Carver, Cass, Chippewa, Clay, Clearwater, Dakota, Douglas, Severe flooding, severe winter storms, snowmelt, high winds, rains, and ice March 21-May 24, 1997

Goodhue, Grant, Hennepin, Houston, Hubbard, Kandiyohi, Kittson, Lac Qui Parle, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, McLeod, Morrison, Murray, Nicollet, Norman, Otter Tail, Pennington, Polk, Pope, Ramsey, Red Lake, Redwood, Renville, Roseau, Scott, Sherburne, Sibley, St. Louis, Stearns, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Washington, Wilkin, Winona, Wright, and Yellow Medicine

Counties of Anoka, Hennepin, Isanti, Kandiyohi, Ramsey, Sherburne, and Wright Severe storms, flooding, tornadoes, and high winds June 28-July 27, 1997

Mississippi

Counties of Bolivar, Tunica, Warren, and Washington Flooding February 28-April 21, 1997

Montana

Counties of Broadwater, Carbon, Dawson, Deer Lodge, Flathead, Judith Basin, Lincoln, Madison, Meagher, Missoula, Musselshell, Park, Prairie, Ravalli, Richland, Roosevelt, Sanders, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, Yellowstone and the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribes Severe storms, ice jams, snowmelt, flooding, and extreme soil saturation March 1-August 6, 1997

Nebraska

Counties of Adams, Banner, Buffalo, Butler, Cass, Cheyenne, Clay, Custer, Dawson, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Kearney, Kimball, Lancaster, Lincoln, Nuckolls, Otoe, Phelps, Polk, Red Willow, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Thayer, Washington, Webster, and York Severe snow storms, rains, and strong winds October 24-26, 1997

Nevada

Counties of Churchill, Douglas, Lyon, Mineral, Storey, and Washoe; and the City of Carson City; and the Walker River Paiute tribal lands located in Churchill, Lyon, and Mineral Counties Severe storms, flooding, and mud and land slides December 20, 1996-January 17, 1997

New Jersey

County of Atlantic Severe storms and flooding August 20-21, 1997

North Dakota		
All Counties	Major winter storm and blizzard	January 3-31, 1997
Counties of Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Cass, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, Lamoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells and Williams	Severe flooding, severe winter storm, heavy spring rains, rapid snowmelt, high winds, ice jams, and ground saturation	February 28-May 24, 1997
Northern Marianas		
Islands of Rota, Saipan, and Tinian	Super Typhoon Keith	November 2-3, 1997
Island of Rota	Typhoon Paka	December 16-17, 1997
Ohio		
Counties of Adams, Athens, Brown, Clermont, Gallia, Hamilton, Highland, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Pike, Ross, Scioto, Vinton and Washington	Severe storms and flooding	February 28-March 17, 1997
Oregon		
Counties of Baker, Coos, Douglas, Gilliam, Grant, Jackson, Josephine, Klamath, Lake, Lane, Morrow, Umatilla, Wallowa, and Wheeler	Severe winter storms, flooding, and mud and land slides	December 25, 1996-January 6, 1997
South Dakota		
Counties of Butte, Harding, Hutchinson, Lake, Meade, Minnehaha, Moody, Pennington, Perkins, and Turner	Severe winter storm	November 13-26 1996
All counties	Severe winter storms and blizzard	January 3-31, 1997
Counties of Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn,	Severe flooding, severe winter storms, heavy spring rains, rapid snowmelt, high winds, and ice jams	February 3- May 24, 1997

Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, and Ziebach

Tennessee

Counties of Benton, Carroll, Cheatham, Chester, Clay, Davidson, DeKalb, Decatur, Dickson, Dyer, Gibson, Grundy, Hardeman, Hardin, Henderson, Henry, Houston, Humphreys, Jackson, Lake, Lauderdale, Madison, McNairy, Montgomery, Obion, Shelby, Stewart, Sumner, Tipton, and Weakley

Heavy rains, tornadoes, flooding, hail, and high winds February 28- March 24, 1997

Counties of Bradley, Grundy, Hamilton, Polk, Sequatchie, and Smith

Severe storms and tornadoes March 28-29, 1997

Texas

Counties of Bandera, Bexar, Blanco, Burnet, Comal, Eastland, Edwards, Gillespie, Goliad, Guadalupe, Hays, Kendall, Kerr, Kimble, Llano, Mason, Medina, Real, San Saba, Travis, and Uvalde

Severe thunderstorms and flooding June 21-July 15, 1997

Vermont

Counties of Caledonia, Franklin, Lamoille, Orleans, and Washington

Excessive rainfall, high winds, and flooding July 15-17, 1997

Washington

Counties of Adams, Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima

Severe winter storms, flooding, and mud and land slides December 26, 1996-February 10, 1997

Counties of Clallam, Grays Harbor, Jefferson, King, Kitsap, Lincoln, Mason, Pacific, Pend Oreille, Snohomish, Spokane, Stevens, and Thurston

Heavy rains, snow melt, flooding, and mud and land slides March 18-28, 1997

County of Pend Oreille

Flooding and snowmelt April 10-June 30, 1997

West Virginia

Counties of Braxton, Cabell, Calhoun, Clay, Gilmer, Jackson, Kanawha, Lincoln, Mason, Putnam, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood

Heavy rains, wind driven rains, high winds, flooding, and slides February 28-March 15, 1997

Wisconsin

Counties of Milwaukee, Ozaukee,
Washington, and Waukesha

Severe storms and flooding

June 21-23, 1997
