

116TH CONGRESS  
1ST SESSION

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

To amend the Internal Revenue Code of 1986 to allow the designation of opportunity zones for population census tracts affected by Hurricane Florence, Hurricane Michael, and the Mendocino, Carr, Camp, Woolsey, and Hill wildfires.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Internal Revenue Code of 1986 to allow the designation of opportunity zones for population census tracts affected by Hurricane Florence, Hurricane Michael, and the Mendocino, Carr, Camp, Woolsey, and Hill wildfires.

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 Opportunity  
5 Zones Act”.

1 **SEC. 2. ADDITIONAL DESIGNATIONS OF OPPORTUNITY**  
2 **ZONES.**

3 Section 1400Z-1 of the Internal Revenue Code of  
4 1986 is amended by adding at the end the following new  
5 subsection:

6 “(g) **ADDITIONAL DESIGNATIONS FOR CERTAIN DIS-**  
7 **ASTER AREAS.**—

8 “(1) **IN GENERAL.**—Notwithstanding subsection  
9 (d), an eligible population census tract may be des-  
10 ignated as a qualified opportunity zone.

11 “(2) **PROCESS FOR DESIGNATION.**—An eligible  
12 population census tract shall be designated as a  
13 qualified opportunity zone in the same manner as  
14 described in subsection (b), except that for purposes  
15 of applying such subsection to eligible population  
16 census tracts, the determination period shall be the  
17 90-day period beginning on the date of the enact-  
18 ment of this subsection (as extended under sub-  
19 section (b)(2)).

20 “(3) **LIMITATION.**—The number of eligible pop-  
21 ulation census tracts that may be designated under  
22 this subsection may not exceed the greater of—

23 “(A) 25 percent of the eligible population  
24 census tracts in the State, or

25 “(B) 25.

1           “(4) SPECIAL RULES.—In applying this sub-  
2 chapter to any qualified opportunity zone designated  
3 under this subsection, for purposes of determining—

4           “(A) whether any property which would  
5 not be qualified opportunity fund business prop-  
6 erty without regard to this subsection is quali-  
7 fied opportunity fund business property, and

8           “(B) whether any corporation or partner-  
9 ship which is not a qualified opportunity fund  
10 business without regard to this subsection is a  
11 qualified opportunity fund business,

12 subparagraphs (B)(i)(I), (C)(i), and (D)(i)(I) of sec-  
13 tion 1400Z-2(d)(2) shall each be applied by sub-  
14 stituting ‘the incident beginning date of the disaster  
15 described in section 1400Z-1(g)(5)(B) with respect  
16 to such qualified opportunity zone’ for ‘December  
17 31, 2017’.

18           “(5) ELIGIBLE POPULATION CENSUS TRACT.—  
19 For purposes of this subsection—

20           “(A) IN GENERAL.—The term ‘eligible  
21 population census tract’ means a population  
22 census tract which—

23           “(i) is a low-income community, and

24           “(ii) is part of a qualified disaster  
25 zone.

1 “(B) QUALIFIED DISASTER ZONE.—

2 “(i) IN GENERAL.—The term ‘quali-  
3 fied disaster zone’ means that portion of  
4 the Hurricane Florence disaster area, the  
5 Hurricane Michael disaster area, the  
6 Mendocino and Carr wildfire disaster area,  
7 and the Camp, Woolsey, and Hill wildfire  
8 disaster area which is determined by the  
9 President to warrant individual or indi-  
10 vidual and public assistance from the Fed-  
11 eral Government under the Robert T. Staf-  
12 ford Disaster Relief and Emergency Assist-  
13 ance Act by reason of the hurricane or  
14 wildfires with respect to which the major  
15 disaster with respect to the area were de-  
16 clared.

17 “(ii) HURRICANE FLORENCE DIS-  
18 ASTER AREA.—The term ‘Hurricane Flor-  
19 ence disaster area’ means any area with  
20 respect to which a major disaster has been  
21 declared by the President before December  
22 17, 2018, under section 401 of the Robert  
23 T. Stafford Disaster Relief and Emergency  
24 Assistance Act by reason of Hurricane  
25 Florence.

1           “(iii) HURRICANE MICHAEL DISASTER  
2           AREA.—The term ‘Hurricane Michael dis-  
3           aster area’ means any area with respect to  
4           which a major disaster has been declared  
5           by the President before December 17,  
6           2018, under section 401 of the Robert T.  
7           Stafford Disaster Relief and Emergency  
8           Assistance Act by reason of Hurricane Mi-  
9           chael.

10           “(iv) MENDOCINO AND CARR WILD-  
11           FIRE DISASTER AREA.—The term  
12           ‘Mendocino and Carr wildfire disaster area’  
13           means any area with respect to which be-  
14           tween August 4, 2018, and December 17,  
15           2018, a major disaster has been declared  
16           by the President under section 401 the  
17           Robert T. Stafford Disaster Relief and  
18           Emergency Assistance Act by reason of the  
19           wildfire in California commonly known as  
20           the Mendocino and Carr wildfires of 2018.

21           “(v) CAMP, WOOLSEY, AND HILL  
22           WILDFIRE DISASTER AREA.—The term  
23           ‘Camp, Woolsey, and Hill wildfire disaster  
24           area’ means any area with respect to which  
25           between November 12, 2018, and Decem-

1           ber 17, 2018, a major disaster has been  
2           declared by the President under section  
3           401 of the Robert T. Stafford Disaster Re-  
4           lief and Emergency Assistance Act by rea-  
5           son of the wildfires in California commonly  
6           known as the Camp, Woolsey, and Hill  
7           wildfires of 2018.

8           “(C) INCIDENT BEGINNING DATE.—The  
9           term ‘incident beginning date’ means—

10                   “(i) in the case of the Hurricane Flor-  
11                   ence disaster area, September 7, 2018,

12                   “(ii) in the case of the Hurricane Mi-  
13                   chael disaster area, October 7, 2018,

14                   “(iii) in the case of the Mendocino  
15                   and Carr wildfire disaster area, July 23,  
16                   2018, and

17                   “(iv) in the case of the Camp, Wool-  
18                   sey, and Hill wildfire disaster area, No-  
19                   vember 8, 2018.”.