

**LIST OF EXPIRING FEDERAL TAX PROVISIONS  
2016–2026**

Prepared by the Staff  
of the  
JOINT COMMITTEE ON TAXATION



January 4, 2017  
JCX-1-17

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## INTRODUCTION

This document,<sup>1</sup> prepared by the staff of the Joint Committee on Taxation, provides a listing of Federal tax provisions (other than those providing time-limited transition relief after the repeal of an underlying rule) that expired or are currently scheduled to expire in 2016–2026 (with references to the applicable section of the Internal Revenue Code of 1986 or other applicable law).

For purposes of compiling this list, the staff of the Joint Committee on Taxation considers a provision to be expiring if, at a statutorily specified date, the provision expires completely or reverts to the law in effect before the present-law version of the provision. A suspension or deferral of the effective date of a provision is not considered an expiration. Certain provisions terminate on dates that refer to a taxpayer's taxable year and not a calendar year. For these provisions, the expiration dates listed in this document apply with respect to calendar year taxpayers. The expiration dates of such provisions may differ, however, with respect to fiscal year taxpayers or taxpayers with short taxable years. Years in which there are no expiring provisions are not listed in the document.

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<sup>1</sup> This document may be cited as follows: Joint Committee on Taxation, *List of Expiring Federal Tax Provisions 2016-2026* (JCX-1-17), January 4, 2017. This document can be found on the Joint Committee on Taxation website at [www.jct.gov](http://www.jct.gov).

### A. Provisions Expired in 2016

Provision (Code section)	Expiration Date
1. Credit for certain nonbusiness energy property (sec. 25C(g))	12/31/16
2. Credit for residential energy property (sec. 25D) <sup>2</sup>	12/31/16
3. Credit for qualified fuel cell motor vehicles (sec. 30B(k)(1))	12/31/16
4. Credit for alternative fuel vehicle refueling property (sec. 30C(g))	12/31/16
5. Credit for two-wheeled plug-in electric vehicles (sec. 30D(g)(3)(E)(ii))	12/31/16
6. Second generation biofuel producer credit (sec. 40(b)(6)(J))	12/31/16

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<sup>2</sup> December 31, 2021, for qualifying solar energy property.

Provision (Code section)	Expiration Date
7. Incentives for biodiesel and renewable diesel:	
a. Income tax credits for biodiesel fuel, biodiesel used to produce a qualified mixture, and small agri-biodiesel producers (sec. 40A)	12/31/16
b. Income tax credits for renewable diesel fuel and renewable diesel used to produce a qualified mixture (sec. 40A)	12/31/16
c. Excise tax credits and outlay payments for biodiesel fuel mixtures (secs. 6426(c)(6) and 6427(e)(6)(B))	12/31/16
d. Excise tax credits and outlay payments for renewable diesel fuel mixtures (secs. 6426(c)(6) and 6427(e)(6)(B))	12/31/16
8. Beginning-of-construction date for non-wind renewable power facilities eligible to claim the electricity production credit or investment credit in lieu of the production credit <sup>3</sup> (secs. 45(d) and 48(a)(5))	12/31/16
9. Credit for production of Indian coal (sec. 45(e)(10)(A))	12/31/16
10. Indian employment credit (sec. 45A(f))	12/31/16
11. Railroad track maintenance credit (sec. 45G(f))	12/31/16

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<sup>3</sup> December 31, 2019, for wind.

<b>Provision (Code section)</b>	<b>Expiration Date</b>
12. Credit for construction of new energy efficient homes (sec. 45L(g))	12/31/16
13. Mine rescue team training credit (sec. 45N)	12/31/16
14. Credit for hybrid solar lighting system property (sec. 48(a)(3)(A)(ii))	12/31/16
15. Credit for geothermal heat pump property, small wind property, and combined heat and power property (secs. 48(a)(3)(A)(vii), 48(c)(4), and 48(c)(3)(A)(iv))	12/31/16
16. Credit for qualified fuel cell and stationary microturbine power plant property (secs. 48(c)(1)(D) and (c)(2)(D))	12/31/16
17. Qualified zone academy bonds: allocation of bond limitation (sec. 54E(c)(1))	12/31/16
18. Discharge of indebtedness on principal residence excluded from gross income of individuals (sec. 108(a)(1)(E))	12/31/16
19. Premiums for mortgage insurance deductible as interest that is qualified residence interest (sec. 163(h)(3))	12/31/16
20. Three-year depreciation for race horses two years old or younger (sec. 168(e)(3)(A))	12/31/16
21. Five-year cost recovery for certain energy property (secs. 168(e)(3)(B)(vi)(I) and 48(a)(3)(A))	12/31/16

<b>Provision (Code section)</b>	<b>Expiration Date</b>
22. Seven-year recovery period for motorsports entertainment complexes (secs. 168(i)(15) and 168(e)(3)(C)(ii))	12/31/16
23. Accelerated depreciation for business property on an Indian reservation (sec. 168(j))	12/31/16
24. Special depreciation allowance for second generation biofuel plant property (sec. 168(l))	12/31/16
25. Energy efficient commercial buildings deduction (sec. 179D(h))	12/31/16
26. Election to expense advanced mine safety equipment (sec. 179E(g))	12/31/16
27. Special expensing rules for certain film, television, and live theatrical productions (sec. 181)	12/31/16
28. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico (sec. 199(d)(8))	12/31/16
29. Medical expense deduction: adjusted gross income (AGI) floor for individuals age 65 and older (and their spouses) remains at 7.5 percent (sec. 213(f))	12/31/16
30. Deduction for qualified tuition and related expenses (sec. 222(e))	12/31/16

<b>Provision (Code section)</b>	<b>Expiration Date</b>
31. Special rule for sales or dispositions to implement Federal Energy Regulatory Commission (“FERC”) or State electric restructuring policy (sec. 451(i))	12/31/16
32. Special rate for qualified timber gains (sec. 1201(b))	12/31/16
33. Empowerment zone tax incentives: <sup>4</sup>	
a. Designation of an empowerment zone and of additional empowerment zones (secs. 1391(d)(1)(A)(i) and (h)(2))	12/31/16
b. Empowerment zone tax-exempt bonds (secs. 1394 and 1391(d)(1)(A)(i))	12/31/16
c. Empowerment zone employment credit (secs. 1396 and 1391(d)(1)(A)(i))	12/31/16
d. Increased expensing under sec. 179 (secs. 1397A and 1391(d)(1)(A)(i))	12/31/16
e. Nonrecognition of gain on rollover of empowerment zone investments (secs. 1397B and 1391(d)(1)(A)(i))	12/31/16

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<sup>4</sup> The empowerment zone tax incentives may have expired earlier than December 31, 2016, if a State or local government provided for an expiration date in the nomination of an empowerment zone, or the appropriate Secretary revoked an empowerment zone’s designation. The State or local government may, however, amend the nomination to provide for a new termination date.



<b>Provision (Code section)</b>	<b>Expiration Date</b>
34. Incentives for alternative fuel and alternative fuel mixtures:	
a. Excise tax credits and outlay payments for alternative fuel (secs. 6426(d)(5) and 6427(e)(6)(C))	12/31/16
b. Excise tax credits for alternative fuel mixtures (sec. 6426(e)(3))	12/31/16
35. Temporary increase in limit on cover over of rum excise tax revenues (from \$10.50 to \$13.25 per proof gallon) to Puerto Rico and the Virgin Islands (sec. 7652(f))	12/31/16
36. American Samoa economic development credit (sec. 119 of Pub. L. No. 109-432 as amended by sec. 756 of Pub. L. No. 111-312)	12/31/16

## B. Provisions Expiring in 2017

Provision (Code section)	Expiration Date
1. Airport and Airway Trust Fund excise taxes:	
a. All but 4.3 cents-per-gallon of taxes on noncommercial aviation kerosene and noncommercial aviation gasoline (secs. 4081(d)(2)(B) and 4083(b))	9/30/17 <sup>5</sup>
b. Domestic and international air passenger ticket taxes and ticket tax exemption for aircraft in fractional ownership aircraft programs (secs. 4261(k) and 4261(j))	9/30/17
c. Air cargo tax (sec. 4271(d))	9/30/17
2. Oil Spill Liability Trust Fund financing rate (sec. 4611(f)(2))	12/31/17

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<sup>5</sup> The 4.3-cents-per-gallon rate is permanent.

### C. Provisions Expiring in 2018

Provision (Code section)	Expiration Date
1. Black Lung Disability Trust Fund: increase in amount of excise tax on coal (sec. 4121(e)(2))	12/31/18 <sup>6</sup>

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<sup>6</sup> The increased amount of the excise tax on coal terminates the earlier of this date or the first December 31 as of which there is no balance of repayable advances made to the Black Lung Disability Trust Fund and no unpaid interest on such advances.

#### D. Provisions Expiring in 2019

Provision (Code section)	Expiration Date
1. Specified health insurance policy fee (sec. 4375(e))	9/30/19
2. Self-insured health plan fee (sec. 4376(e))	9/30/19
3. Credit for health insurance costs of eligible individuals (sec. 35(b))	12/31/19
4. New markets tax credit (sec. 45D(f))	12/31/19
5. Work opportunity credit (sec. 51(c)(4))	12/31/19
6. Additional first-year depreciation with respect to qualified property (secs. 168(k)(1) and 460(c)(6)(B))	12/31/19 <sup>7</sup>
7. Election to accelerate AMT credits in lieu of additional first-year depreciation (sec. 168(k)(4))	12/31/19 <sup>8</sup>
8. Election of additional depreciation for certain plants bearing fruits and nuts (sec. 168(k)(5))	12/31/19 <sup>9</sup>

<sup>7</sup> Subject to a phasedown. December 31, 2020, for certain longer-lived and transportation property.

<sup>8</sup> December 31, 2020, for certain longer-lived and transportation property.

<sup>9</sup> Subject to a phasedown.

Provision (Code section)	Expiration Date
9. Beginning-of-construction date for wind renewable power facilities eligible to claim the electricity production credit or investment credit in lieu of the production credit (secs. 45(d) and 48(a)(5))	12/31/19 <sup>10</sup>
10. Look-through treatment of payments between related controlled foreign corporations under the foreign personal holding company rules (sec. 954(c)(6))	12/31/19

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<sup>10</sup> Subject to a phasedown. December 31, 2021, for individual residential solar credit and enhanced business solar investment credit, and December 31, 2016, for other renewable power and alternative energy credits.

### E. Provisions Expiring in 2020

Provision (Code section)	Expiration Date
1. Placed-in-service date for eligibility for the credit for production from certified advanced nuclear power facilities (sec. 45J(d)(1)(B))	12/31/20

## F. Provisions Expiring in 2021

Provision (Code section)	Expiration Date
1. Surtax on fuel used in aircraft in a fractional ownership program (sec. 4043)	9/30/21
2. Credit for individuals for residential solar property (sec. 25D(g)) <sup>11</sup>	12/31/21
3. Beginning-of-construction date for increased credit for business solar energy property (sec. 48(a)(2)(A)(i)(II)) <sup>12</sup>	12/31/21
4. Transportation costs of independent refiners (sec. 199(c)(3)(C))	12/31/21

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<sup>11</sup> Subject to a phasedown. December 31, 2016, for other residential energy property.

<sup>12</sup> Subject to a phasedown. December 31, 2019, for wind, and December 31, 2016, for other renewable power and alternative energy credits.

## G. Provisions Expiring in 2022

Provision (Code section)	Expiration Date
1. Highway Trust Fund excise tax rates: <sup>13</sup>	
a. All but 4.3 cents-per-gallon of the taxes on highway gasoline, diesel fuel, kerosene, and alternative fuels (secs. 4041(a) and 4081(d)(1))	9/30/22 <sup>14</sup>
b. Reduced rate of tax on partially exempt methanol or ethanol fuel (sec. 4041(m))	9/30/22 <sup>15</sup>
c. Tax on retail sale of heavy highway vehicles (sec. 4051(c))	9/30/22
d. Tax on heavy truck tires (sec. 4071(d))	9/30/22
2. Leaking Underground Storage Tank Trust Fund financing rate (secs. 4041(d)(4), 4042(b)(4), and 4081(d)(3))	9/30/22

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<sup>13</sup> The Highway Trust Fund excise tax rates relating to the annual use tax on heavy highway vehicles (sec. 4481(f)) expire September 30, 2023.

<sup>14</sup> The 4.3-cents-per-gallon rate is permanent.

<sup>15</sup> After September 30, 2022, in the case of fuel none of the alcohol in which consists of ethanol, the rate is 2.15 cents-per-gallon. In any other case, the rate is 4.3 cents-per-gallon.



## H. Provisions Expiring in 2023

Provision (Code section)	Expiration Date
1. Highway Trust Fund excise tax rates: <sup>16</sup>	
a. Annual use tax on heavy highway vehicles (sec. 4481(f))	9/30/23

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<sup>16</sup> Other Highway Trust Fund excise tax rates expire September 30, 2022.

## I. Provisions Expiring in 2025

Provision (Code section)	Expiration Date
1. Transfer of excess pension assets to retiree health and life insurance accounts (sec. 420(b)(4))	12/31/25