

**LIST OF EXPIRING FEDERAL TAX PROVISIONS
2021-2029**

Prepared by the Staff
of the
JOINT COMMITTEE ON TAXATION



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INTRODUCTION

This document,¹ prepared by the staff of the Joint Committee on Taxation, lists Federal tax provisions that are scheduled to expire in 2021 through 2029. Years in which there are no expiring provisions are not included.

For purposes of this document, the staff of the Joint Committee on Taxation considers a provision to be expiring if, on a statutorily specified date, the provision terminates or reverts to the law in effect before the current version of the provision. Neither a time-limited rule providing transition relief after modification of the underlying law nor a suspended or deferred effective date of such a modification is considered an expiration of the provision.²

Certain provisions terminate by reference not to a specific date but to a taxpayer's taxable year. For those provisions, the expiration dates listed in this document assume a taxpayer with a calendar year. For that reason, the actual expiration dates of such provisions may differ with respect to a fiscal-year taxpayer or a taxpayer with a short taxable year.

Unless otherwise stated, all section references are to the Internal Revenue Code of 1986 (the "Code").

¹ This document may be cited as follows: Joint Committee on Taxation, *List of Expiring Federal Tax Provisions 2021-2029* (JCX-1-21), January 27, 2021. This document can be found on the Joint Committee on Taxation website at www.jct.gov.

² For example, taxpayers may currently elect under section 174 to deduct research or experimental expenditures that are paid or incurred during the taxable year in connection with a trade or business. Section 13206 of Public Law 115-97, enacted on December 22, 2017, amends section 174 by requiring that such expenditures, including expenditures for software development, instead be capitalized and amortized ratably over a five-year period (a 15-year period in the case of foreign research). However, the amendments made to section 174 by section 13206 of Public Law 115-97 apply only with respect to amounts paid or incurred in taxable years beginning after December 31, 2021. This pamphlet does not record the loss of the current-year deduction for qualifying expenditures because of the enacted but deferred amendments as an expiring tax provision.

A. Provisions Expiring in 2021

Provision (Code section)	Expiration Date
1. Credit for certain nonbusiness energy property (sec. 25C(g))	12/31/21
2. Credit for qualified fuel cell motor vehicles (sec. 30B(k)(1))	12/31/21
3. Credit for alternative fuel vehicle refueling property (sec. 30C(g))	12/31/21
4. Credit for two-wheeled plug-in electric vehicles (sec. 30D(g)(3)(E)(ii))	12/31/21
5. Credit for health insurance costs of eligible individuals (sec. 35(b)(1)(B))	12/31/21
6. Second generation biofuel producer credit (sec. 40(b)(6)(J))	12/31/21
7. Increase in State low-income housing tax credit ceiling (sec. 42(h)(3)(I))	12/31/21
8. Beginning-of-construction date for 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)) ³	12/31/21
9. Credit for production of Indian coal (sec. 45(e)(10)(A))	12/31/21
10. Indian employment credit (sec. 45A(f))	12/31/21

³ December 31, 2025, in the case of investment credits for offshore wind facilities.

Provision (Code section)	Expiration Date
11. Credit for construction of new energy efficient homes (sec. 45L(g))	12/31/21
12. Mine rescue team training credit (sec. 45N(e))	12/31/21
13. Treatment of premiums for certain qualified mortgage insurance as qualified residence interest (sec. 163(h)(3)(E)(iv))	12/31/21
14. Computation of adjusted taxable income without regard to any deduction allowable for depreciation, amortization, or depletion for purposes of the limitation on business interest (sec. 163(j)(8)(A)(v))	12/31/21
15. Three-year recovery period for racehorses two years old or younger (sec. 168(e)(3)(A))	12/31/21
16. Accelerated depreciation for business property on an Indian reservation (sec. 168(j)(9))	12/31/21
17. Charitable contributions deductible by non-itemizers (sec. 170(p))	12/31/21
18. Black Lung Disability Trust Fund: increase in amount of excise tax on coal (sec. 4121(e)(2))	12/31/21
19. 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))	12/31/21

Provision (Code section)	Expiration Date
b. Excise tax credits for alternative fuel mixtures (sec. 6426(e)(3))	12/31/21
20. 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))	12/31/21
21. American Samoa economic development credit (sec. 119 of Pub. L. No. 109-432, as amended)	12/31/21
22. Modification of limitation on charitable contributions (sec. 2205 of Pub. L. No. 116-136, as amended)	12/31/21
23. Employee retention and rehiring tax credit (sec. 2301 of Pub. L. No. 116-136, as amended)	6/30/21
24. Prevention of partial plan termination (sec. 209 of Division EE of Pub. L. No. 116-260)	3/31/21
25. Special rule for health and dependent care flexible spending arrangements (sec. 214 of Division EE of Pub. L. No. 116-260)	12/31/21

B. Provisions Expiring in 2022

Provision (Code section)	Expiration Date
1. Allowance of full deduction for business meals (sec. 274(n)(2)(D)) ⁴	12/31/22
2. Highway Trust Fund excise taxes: ⁵	
a. All tax rates (except for the permanent 4.3-cents-per-gallon rate) on highway gasoline, diesel fuel, kerosene, and alternative fuels (secs. 4041(a) and 4081(d)(1))	9/30/22
b. Reduced tax rate on partially exempt methanol or ethanol fuel (sec. 4041(m)) ⁶	9/30/22
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
3. Leaking Underground Storage Tank Trust Fund financing rate (secs. 4041(d)(4), 4042(b)(4), and 4081(d)(3))	9/30/22
4. 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(g))	12/31/22

⁴ Amounts paid or incurred after December 31, 2022, will be subject to a 50-percent disallowance.

⁵ The Highway Trust Fund excise tax rates relating to the annual use tax on heavy highway vehicles (sec. 4481(f)) expire September 30, 2023.

⁶ 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.

Provision (Code section)	Expiration Date
b. Income tax credits for renewable diesel fuel and renewable diesel used to produce a qualified mixture (sec. 40A(g))	12/31/22
c. Excise tax credits and outlay payments for biodiesel fuel mixtures (secs. 6426(c)(6) and 6427(e)(6)(B))	12/31/22
d. Excise tax credits and outlay payments for renewable diesel fuel mixtures (secs. 6426(c)(6) and 6427(e)(6)(B))	12/31/22
5. Railroad track maintenance credit (expiration of 50-percent rate) (sec. 45G(a)) ⁷	12/31/22

⁷ In the case of any taxable year beginning after December 31, 2022, the rate is 40 percent.

C. Provisions Expiring in 2023

Provision (Code section)	Expiration Date
1. Credit for residential energy property (sec. 25D(h))	12/31/23
2. Beginning-of-construction date for increased credit for business solar energy property and credit for fiber optic solar lighting system property, geothermal heat pump property, qualified fuel cell and stationary microturbine power plant property, combined heat and power property, small wind property, and waste energy recovery property (sec. 48(a)(2)(A)(i)(II), (a)(3)(A)(ii), (a)(3)(A)(vii), (a)(3)(A)(viii), (c)(1)(D), (c)(2)(D), (c)(3)(A)(iv), and (c)(4)(C))	12/31/23
3. Five-year recovery period for certain energy property (secs. 168(e)(3)(B)(vi)(I) and 48(a)(3)(A))	12/31/23
4. Airport and Airway Trust Fund excise taxes:	
a. All tax rates (except for the permanent 4.3-cents-per-gallon rate) on noncommercial aviation kerosene and noncommercial aviation gasoline (secs. 4081(d)(2)(B) and 4083(b))	9/30/23
b. Domestic and international air passenger ticket taxes and ticket tax exemption for aircraft in fractional ownership aircraft programs (sec. 4261(k) and (j))	9/30/23
c. Air cargo tax (sec. 4271(d))	9/30/23

Provisions (Code section)	Expiration Date
d. Surtax on fuel used in aircraft in a fractional ownership program (sec. 4043(d))	9/30/23
5. Highway Trust Fund excise taxes: ⁸ Annual use tax on heavy highway vehicles (sec. 4481(f))	9/30/23

⁸ Other Highway Trust Fund excise tax rates expire September 30, 2022.

D. Provisions Expiring in 2025

Provision (Code section)	Expiration Date
1. Modification of individual income tax rates (sec. 1(j))	12/31/25
2. Child tax credit: Increased credit amount, increased refundable amount, reduced earned income threshold, modification of identification requirements (sec. 24(h))	12/31/25
3. New markets tax credit (sec. 45D(f)(1)) ⁹	12/31/25
4. Beginning-of-construction date for certain qualified carbon oxide sequestration facilities (sec. 45Q(d)(1))	12/31/25
5. Employer credit for paid family and medical leave (sec. 45S(i))	12/31/25
6. Beginning-of-construction date for offshore wind facilities eligible to claim the investment credit in lieu of the renewable electricity production credit (sec. 48(a)(5)) ¹⁰	12/31/25
7. Work opportunity credit (sec. 51(c)(4))	12/31/25
8. Increase in exemption amount and phaseout threshold of individual AMT (sec. 55)	12/31/25

⁹ Subject to a carryover. No amount may be carried to any calendar year after 2030. Sec. 45D(f)(3).

¹⁰ December 31, 2021, in the case of other wind facilities.

Provision (Code section)	Expiration Date
9. Rate on modified taxable income and treatment of credits in the calculation of base erosion minimum tax amount (sec. 59A(b)(2))	12/31/25
10. Increase in standard deduction of individuals (sec. 63(c)(7))	12/31/25
11. Suspension of miscellaneous itemized deduction (sec. 67(g))	12/31/25
12. Suspension of limitation on itemized deductions (sec. 68(f))	12/31/25
13. Exclusion from gross income of discharge of indebtedness on principal residence (sec. 108(a)(1)(E))	12/31/25
14. Tax exemption for student loan discharges on account of death or disability (sec. 108(f)(5))	12/31/25
15. Exclusion for certain employer payments of student loans (sec. 127(c)(1)(B))	12/31/25
16. Suspension of exclusion for reimbursement of bicycle commuting (sec. 132(f)(8))	12/31/25
17. Suspension of exclusion for moving expense reimbursement (sec. 132(g)(2))	12/31/25
18. Suspension of deduction for personal exemptions (sec. 151(d)(5))	12/31/25

Provision (Code section)	Expiration Date
19. Limitation on deduction for qualified residence interest, suspension of deduction for home equity interest (sec. 163(h)(3)(F))	12/31/25
20. Limitation on deduction for State, local, etc., taxes (sec. 164(b)(6))	12/31/25
21. Personal casualty losses limited to Federally declared disaster areas (sec. 165(h)(5))	12/31/25
22. Modification of rules relating to computation of wagering losses (sec. 165(d))	12/31/25
23. Seven-year recovery period for motorsports entertainment complexes (sec. 168(e)(3)(C)(ii) and (i)(15)(D))	12/31/25
24. Increase in percentage limitation on cash contributions to public charities (sec. 170(b)(1)(G))	12/31/25
25. Special expensing rules for certain film, television, and live theatrical productions (sec. 181(g)) ¹¹	12/31/25
26. Qualified business income deduction (sec. 199A(i))	12/31/25

¹¹ Qualified film, television, and live theatrical productions (as defined in section 181(d) and (e)) are eligible for the additional first-year depreciation allowance under section 168(k) if (1) acquired and placed in service after September 27, 2017, and before January 1, 2027, and (2) a deduction otherwise would have been allowable under section 181 without regard to the dollar limitation or termination of that section. See sec. 168(k)(2)(A)(i)(IV) and (V).

Provision (Code section)	Expiration Date
27. Suspension of deduction for moving expenses (sec. 217(k))	12/31/25
28. Deduction percentages for foreign-derived intangible income and global intangible low-taxed income (sec. 250(a)(3))	12/31/25
29. Deductibility of employer <i>de minimis</i> meals and related eating facility, and meals for the convenience of the employer (sec. 274(o))	12/31/25
30. Transfer of excess pension assets to retiree health and life insurance accounts (sec. 420(b)(4))	12/31/25
31. Limitation on excess business losses of noncorporate taxpayers (sec. 461(l))	12/31/25
32. ABLE accounts (sec. 529A):	
a. Contributions eligible for saver's credit (sec. 25B(d)(1)(D))	12/31/25
b. Rollovers from qualified tuition programs permitted (sec. 529(c)(3)(C)(i)(III))	12/31/25
c. Increase in contributions limit (sec. 529A(b)(2)(B))	12/31/25
33. Look-through treatment of payments between related controlled foreign corporations under the foreign personal holding company rules (sec. 954(c)(6)(C))	12/31/25

Provision (Code section)	Expiration Date
34. Empowerment zone tax incentives: ¹²	
a. Designation of an empowerment zone and of additional empowerment zones (sec. 1391(d)(1)(A)(i) and (h)(2))	12/31/25
b. Empowerment zone tax-exempt bonds (secs. 1394 and 1391(d)(1)(A)(i))	12/31/25
c. Empowerment zone employment credit (secs. 1396 and 1391(d)(1)(A)(i))	12/31/25
35. Increase in estate and gift tax exemption (sec. 2010(c)(3)(C))	12/31/25
36. Oil Spill Liability Trust Fund financing rate (sec. 4611(f)(2))	12/31/25
37. Treatment of certain individuals performing services in the Sinai Peninsula of Egypt (sec. 11026 of Pub. L. No. 115-97)	12/31/25

¹² The empowerment zone tax incentives may expire earlier than December 31, 2025, 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.

E. Provisions Expiring in 2026

Provision (Code section)	Expiration Date
1. Additional first-year depreciation with respect to qualified property (secs. 168(k)(2)(A)(iii) and 460(c)(6)(B)) ¹³	12/31/26
2. Election of additional depreciation for certain plants bearing fruits and nuts (sec. 168(k)(5)(A)) ¹⁴	12/31/26
3. Election to invest capital gains in an opportunity zone (sec. 1400Z-2(a)(2)(B))	12/31/26

¹³ Subject to a phasedown in 2023-2026. December 31, 2027, for certain longer-lived and transportation property (subject to a phasedown in 2024-2027). Sec. 168(k)(2)(B)(i)(II) and (6)(A) and (B).

¹⁴ Subject to a phasedown in 2023-2026. Sec. 168(k)(6)(C).

F. Provisions Expiring in 2027

Provision (Code section)	Expiration Date
1. Expensing of certain costs of replanting citrus plants lost by reason of casualty (sec. 263A(d)(2)(C)(ii))	12/22/27

G. Provisions Expiring in 2029

Provision (Code section)	Expiration Date
1. Specified health insurance policy fee (sec. 4375(e))	9/30/29
2. Self-insured health plan fee (sec. 4376(e))	9/30/29