

### **Extenders Pass with Budget Bill**

A package of tax extenders was included in the Bipartisan Budget Act of 2018 which passed the House and Senate last night. Included in these extenders are a retroactive reinstatement of the biodiesel, renewable diesel, alternative fuel and second-generation biofuel credits. These are straight extensions through December 31, 2017 without any other amendments. The IRS will issue a special rule for filing 2017 credits. Note that the language states a termination date of 2017; these extenders do not go beyond the end of last year. Absent a last-minute tweak to the dates in an unpublished version of the bill, another piece of legislation will be required to reinstate the credits for 2018 and beyond.

The oil spill tax is reinstated and extended through 2018. However, the effective date of the amendment to the 2017 termination date is the first date of the month after the date the law is enacted. We have learned from sources involved in the drafting of the oil spill tax language that the effective date of reinstatement is March 1, with no retroactive intent. These sources are advising that any oil spill tax that was collected in January and February so far in anticipation of reinstatement should be returned.