

AMENDMENT TO H.R. 8646, AS REPORTED
OFFERED BY MR. ROY OF TEXAS

At the end of the bill (before the short title), insert the following:

1 SEC. _____. (a) PROHIBITION ON FUNDS FOR CER-
2 TAIN ENERGY PROJECTS ON CONVERTED FARMLAND RE-
3 CEIVING FEDERAL ENERGY TAX CREDITS.—None of the
4 funds made available by this Act may be used to provide
5 a grant, loan, loan guarantee, technical assistance, or any
6 other financial assistance, directly or indirectly, to any en-
7 ergy project that—

8 (1) is sited, in whole or in part, on land converted
9 from agricultural use since December 31, 2022; and

10 (2) is claiming, has claimed, or is reasonably antici-
11 pated to claim, with respect to the energy project—

12 (A) the energy credit under section 48 of the
13 Internal Revenue Code of 1986, to the extent attrib-
14 utable to a qualified solar or wind energy facility; or

15 (B) the electricity production credit under sec-
16 tion 45 of such Code, to the extent attributable to
17 a wind facility or a solar energy facility, as those fa-
18 cility types are described in such section;

1 including any direct payment election with respect to ei-
2 ther credit under section 6417 of such Code, or any trans-
3 fer of either credit under section 6418 of such Code.

4 (b) LAND CONVERTED FROM AGRICULTURAL USE
5 DEFINED.—In this section, the term “land converted from
6 agricultural use” means land that, beginning on December
7 31, 2022—

8 (1) was enrolled in the conservation reserve program
9 under subchapter B of chapter 1 of subtitle D of title XII
10 of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

11 (2) was classified as prime farmland, farmland of
12 statewide importance, or farmland of local importance, as
13 those terms are used under the Farmland Protection Pol-
14 icy Act (7 U.S.C. 4201 et seq.) and in Natural Resources
15 Conservation Service soil surveys;

16 (3) was actively used for crop production, livestock
17 grazing, orchards, nurseries, aquaculture, or other agricul-
18 tural purposes, as evidenced by Farm Service Agency farm
19 records, Natural Resources Conservation Service data, or
20 comparable State agricultural records; or

21 (4) was subject to an agricultural conservation ease-
22 ment under the agricultural conservation easement pro-
23 gram established under subtitle H of title XII of the Food
24 Security Act of 1985 (16 U.S.C. 3865 et seq.).

