

118TH CONGRESS
1ST SESSION

H. R. 963

To amend the Internal Revenue Code of 1986 to provide that the energy credit shall not apply to certain types of energy production on agricultural land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Mr. TIFFANY introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that the energy credit shall not apply to certain types of energy production on agricultural land, and for other purposes.

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 “Future Agriculture Re-
5 tention and Management Act of 2023” or “FARM Act
6 of 2023”.

1 **SEC. 2. RESTRICTION ON TAX CREDITS FOR RENEWABLE**
2 **ENERGY PRODUCTION ON AGRICULTURAL**
3 **LAND.**

4 (a) SOLAR PROPERTY.—

5 (1) IN GENERAL.—Section 48 of the Internal
6 Revenue Code of 1986 is amended by adding at the
7 end the following new subsection:

8 “(f) DENIAL OF CREDIT WITH RESPECT TO CERTAIN
9 SOLAR ENERGY PROPERTY ON AGRICULTURAL LAND.—

10 “(1) IN GENERAL.—Subsection (a) shall not
11 apply to equipment described in subsection
12 (a)(3)(A)(i) that is placed in service by a public util-
13 ity on agricultural land.

14 “(2) DEFINITIONS.—For purposes of this sub-
15 section—

16 “(A) AGRICULTURAL LAND.—The term
17 ‘agricultural land’ has the meaning given the
18 term ‘eligible land’ in section 1240A of the
19 Food Security Act of 1985.

20 “(B) PUBLIC UTILITY.—The term ‘public
21 utility’ has the meaning given the term in sec-
22 tion 136(c)(2).”.

23 (2) CONFORMING AMENDMENT.—Section
24 48(a)(1) of such Code is amended by inserting “sub-
25 section (f) and” after “provided in”.

1 (b) WIND PROPERTY.—Section 45(e)(6) of such Code
2 is amended to read as follows:

3 “(6) DENIAL OF CREDIT WITH RESPECT TO
4 CERTAIN ENERGY PROPERTY ON AGRICULTURAL
5 LAND.—

6 “(A) IN GENERAL.—The credit determined
7 under subsection (a) shall not apply to elec-
8 tricity produced by a solar energy facility or
9 wind facility placed in service after the date of
10 enactment of the Future Agriculture Retention
11 and Management Act of 2023 by a public util-
12 ity on agricultural land.

13 “(B) DEFINITIONS.—For the purposes of
14 this paragraph—

15 “(i) AGRICULTURAL LAND.—The term
16 ‘agricultural land’ has the meaning given
17 the term ‘eligible land’ in section 1240A of
18 the Food Security Act of 1985.

19 “(ii) PUBLIC UTILITY.—The term
20 ‘public utility’ has the meaning given the
21 term in section 136(c)(2).”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to property placed in service after
24 the date of enactment of this Act.

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