

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To prohibit the head of a Federal agency from using Federal funds for certain solar energy projects that would result in the conversion of farmland, to exclude from certain tax credits relating to clean energy facilities placed in service on prime farmland, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. BLACKBURN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To prohibit the head of a Federal agency from using Federal funds for certain solar energy projects that would result in the conversion of farmland, to exclude from certain tax credits relating to clean energy facilities placed in service on prime farmland, 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 “Protecting American  
5 Farmland Act”.

1 **SEC. 2. PROHIBITION ON AGENCY FUNDING FOR COVERED**  
2 **SOLAR ENERGY PROJECTS.**

3 (a) **IN GENERAL.**—The head of a Federal agency  
4 may not use Federal funds, including by providing funds,  
5 a loan, or a loan guarantee to any person, to carry out  
6 a covered solar energy project that would result in the con-  
7 version of prime farmland.

8 (b) **DEFINITIONS.**—In this section:

9 (1) **CONVERSION.**—The term “conversion”  
10 means, with respect to prime farmland, any activity  
11 that results in the farmland failing to meet the re-  
12 quirements of a State (as such term is defined in  
13 section 343 of the Consolidated Farm and Rural De-  
14 velopment Act (7 U.S.C. 1991)) for agricultural pro-  
15 duction, activity, or use.

16 (2) **COVERED SOLAR ENERGY PROJECT.**—The  
17 term “covered solar energy project” means a project  
18 for the installation, operation, and maintenance of a  
19 ground-mounted facility for the generation of elec-  
20 tricity from solar energy, primarily for the purpose  
21 of sale of such electricity.

22 (3) **FEDERAL AGENCY.**—The term “Federal  
23 agency” has the meaning given the term “agency”  
24 in section 551 of title 5, United States Code.

25 (4) **PRIME FARMLAND.**—The term “prime  
26 farmland” means farmland described in section

1 1540(e)(1)(A) of the Farmland Protection Policy  
2 Act (7 U.S.C. 4201(e)(1)(A)).

3 **SEC. 3. EXCLUSION OF PROPERTY PLACED IN SERVICE ON**  
4 **PRIME FARMLAND FROM RESIDENTIAL**  
5 **CLEAN ENERGY CREDIT.**

6 (a) IN GENERAL.—Section 25D(e) of the Internal  
7 Revenue Code of 1986 is amended by adding at the end  
8 the following new paragraph:

9 “(9) EXCLUSION OF SOLAR PROPERTY LO-  
10 CATED ON PRIME FARMLAND.—

11 “(A) IN GENERAL.—Qualified solar electric  
12 property expenditures which are properly allo-  
13 cable to property placed in service on prime  
14 farmland shall not be taken into account for  
15 purposes of this section.

16 “(B) PRIME FARMLAND DEFINED.—For  
17 purposes of this paragraph, the term ‘prime  
18 farmland’ means farmland described in section  
19 1540(c)(1)(A) of the Farmland Protection Pol-  
20 icy Act (7 U.S.C. 4201(c)(1)(A)).”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 this section shall apply to property placed in service after  
23 the date of the enactment of this section.

1 **SEC. 4. EXCLUSION OF FACILITIES LOCATED ON PRIME**  
2 **FARMLAND FROM RENEWABLE ELECTRICITY**  
3 **PRODUCTION CREDIT.**

4 (a) IN GENERAL.—Section 45(e) of the Internal Rev-  
5 enue Code of 1986 is amended by adding at the end the  
6 following new paragraph:

7 “(14) EXCLUSION OF SOLAR ENERGY FACILI-  
8 TIES LOCATED ON PRIME FARMLAND.—The term  
9 ‘qualified facility’ shall not include any facility using  
10 solar energy to produce electricity which is located  
11 on prime farmland (as defined in section  
12 25D(e)(9)(B)).”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 this section shall apply to facilities placed in service after  
15 the date of the enactment of this section.

16 **SEC. 5. EXCLUSION OF FACILITIES LOCATED ON PRIME**  
17 **FARMLAND FROM CLEAN ELECTRICITY PRO-**  
18 **DUCTION CREDIT.**

19 (a) IN GENERAL.—Section 45Y(g) of the Internal  
20 Revenue Code of 1986, as amended by section 70512 of  
21 Public Law 119–21, is amended by adding at the end the  
22 following new paragraph:

23 “(14) EXCLUSION OF SOLAR FACILITIES LO-  
24 CATED ON PRIME FARMLAND.—The term ‘qualified  
25 facility’ shall not include any facility using solar en-



1 on prime farmland (as defined in section  
2 25D(e)(9)(B)) shall not be taken into account for  
3 purposes of this section.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 this section shall apply to qualified investments with re-  
6 spect to facilities placed in service after the date of the  
7 enactment of this section.