

Congressman Chris Collins Introduces Legislation to Blow Back Wind Turbines

Nov 29, 2016 | Press Release

Congressman Chris Collins (NY-27) today introduced legislation that would curb the installation of wind turbines in close proximity to military installations, such as the Niagara Falls Air Reserve Station (NFARS) in Niagara Falls, New York.

Recently, Apex Clean Energy has proposed a plan to build 70 propeller turbines amid farms and towns throughout Niagara County. The impact that this plan may have on the Niagara Falls Air Reserve Station has raised significant concerns from local residents and lawmakers.

"I cannot condone any activity which puts the Niagara Falls Air Reserve Station's (NFARS) future operations and viability at risk," said **Congressman Collins**. "This air base employs over 2,600 people and contributes over \$200 million a year to Western New York's economy. Massive wind turbines built in such close proximity to military installations, such as the ones being proposed in Western New York, can negatively impact a base's potential new missions and its future operations. I will do everything in my power to ensure the viability of the Niagara Falls Air Reserve Station."

Congressman Collins introduced the "Protection of Military Airfields from Wind Turbine Encroachment Act" in an effort to ensure that any new wind turbines located within a 40-mile radius of a military installation will be deemed ineligible for renewable energy tax credits. Full text of the legislation can be read here (</sites/chriscollins.house.gov/files/Scanned%20from%20a%20Xerox%20multifunction%20device001.pdf>). A companion bill was introduced in the United States Senate by Senator John Cornyn, R-TX.

"Our military installations are crucial to the security of our nation," continued **Congressman Collins**. "This legislation ensures that military installations like the Niagara Falls Air Reserve Station can fully operate without potential interference from wind turbines, some of which can be as tall as 600 feet."

"The Department of Defense has been increasingly engaged to express either reservations or objections to potential wind projects across the country, on the basis of military readiness issues and conflicts with military radar systems," said **Dan Engert, Somerset Town Supervisor**. "The Lighthouse Wind project in Somerset is very poorly sited for a number of reasons, and I do not think it's in our government's best interest to expand wind energy at the expense of military readiness. I am very grateful that Congressman Collins and Senator Cornyn recognize this impact and have introduced legislation in both chambers that will force corporate wind developers to site projects far and away from military installations, like the Niagara Falls Air Reserve Station."

"I fully support Congressman Collins' proposed legislation to protect military installations from encroachment from industrial wind turbine projects," said **James Simon, Yates Town Supervisor**. "The Niagara Falls Air Reserve Station has a positive economic impact on the Town of Yates. We are fortunate that the skies above the Town of Yates not only have unrestricted airspace for low flying military aircraft and drones, but also provide unimpeded radar coverage for national defense."

"We are grateful to Congressman Collins for taking the initiative to propose legislation that will work to protect the future of our air base and the thousands of families and workers who rely on its continued operation," said **Pamela Atwater, President of Save Ontario Shores**. "Save Ontario Shores pledges its full support to this proposed legislation and we look forward to its enactment." Save Ontario Shores is a local group that was formed to address the concerns relating to the health, safety and welfare of Town of Yates and Town of Somerset taxpayers and residents, in regards to the Lighthouse Wind project being proposed by Apex Clean Energy."

Congressman Collins has previously taken steps to address this issue. In December 2015, Congressman Collins authored a letter to the Department of Defense and Federal Aviation Administration officials expressing concern about a proposed wind turbine project along the Lake Ontario Shoreline. Full text of the letter can be read here (</sites/chriscollins.house.gov/files/APEX%20Energy.pdf>).

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114TH CONGRESS
2D SESSION

S. 3428

To amend the Internal Revenue Code of 1986 to ensure that new wind turbines located near certain military installations are ineligible for the renewable electricity production credit and the energy credit.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2016

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to ensure that new wind turbines located near certain military installations are ineligible for the renewable electricity production credit and the energy credit.

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 “Protection of Military
5 Airfields from Wind Turbine Encroachment Act”.

1 **SEC. 2. NEW WIND TURBINES LOCATED NEAR CERTAIN**
2 **MILITARY INSTALLATIONS.**

3 (a) IN GENERAL.—Paragraph (1) of section 45(d) of
4 the Internal Revenue Code of 1986 is amended by striking
5 “Such term” and all that follows through the period and
6 inserting the following: “Such term shall not include—

7 “(A) any facility with respect to which any
8 qualified small wind energy property expendi-
9 ture (as defined in subsection (d)(4) of section
10 25D) is taken into account in determining the
11 credit under such section, or

12 “(B) any facility which is originally placed
13 in service after the date of the enactment of the
14 Protection of Military Airfields from Wind Tur-
15 bine Encroachment Act and is located within a
16 30-mile radius of—

17 “(i) an airfield or airbase under the
18 jurisdiction of a military department which
19 is in active use, or

20 “(ii) an air traffic control radar site,
21 weather radar site, or aircraft navigation
22 aid which is—

23 “(I) owned or operated by the
24 Department of Defense, and

25 “(II) a permanent land-based
26 structure at a fixed location.”.

1 (b) QUALIFIED SMALL WIND ENERGY PROPERTY.—
2 Paragraph (4) of section 48(c) of the Internal Revenue
3 Code of 1986 is amended—

4 (1) by redesignating subparagraph (C) as sub-
5 paragraph (D), and

6 (2) by inserting after subparagraph (B) the fol-
7 lowing:

8 “(C) EXCEPTION.—The term ‘qualifying
9 small wind energy property’ shall not include
10 any property which is originally placed in serv-
11 ice after the date of the enactment of the Pro-
12 tection of Military Airfields from Wind Turbine
13 Eneachment Act and is located within a 30-
14 mile radius of any property described in clause
15 (i) or (ii) of section 45(d)(1)(B).”.

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

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114TH CONGRESS
2D SESSION

H. R. 6397

To amend the Internal Revenue Code of 1986 to ensure that new wind turbines located near certain military installations are ineligible for the renewable electricity production credit and the energy credit.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2016

Mr. COLLINS of New York introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

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2 *tives of the United States of America in Congress assembled,*

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13 in service after the date of the enactment of the
14 Protection of Military Airfields from Wind Tur-
15 bine Encroachment Act and is located within a
16 40-mile radius of—

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18 jurisdiction of a military department which
19 is in active use, or

20 “(ii) an air traffic control radar site,
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14 mile radius of any property described in clause
15 (i) or (ii) of section 45(d)(1)(B).”.

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

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