

emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4387

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 4387 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4399

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 4399 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4406

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4406 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4414

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4414 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Dakota (Mr. THUNE), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. MARTINEZ), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAIG), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mrs. DOLE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4419 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4421

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4421 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## AMENDMENT NO. 4423

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 4423 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. DODD):

S. 2822. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, along with Senator CLINTON, Senator LIEBERMAN, and Senator DODD, I am introducing legislation that will correct a fundamental wrong perpetrated in the 2005 that allowed Federal bureaucracy to override local control by placing the Federal Energy Regulatory Commission in the primary role of siting Liquefied Natural Gas, LNG, terminals. That action, taken in the Energy Policy Act of 2005, took what had historically always been a state government responsibility—the permitting of LNG storage terminals—and handed it off to a Federal agency in Washington, DC—FERC.

At the time, 45 Senators went on record saying that cutting State siting agencies out of the LNG siting process was a bad idea and the history of FERC's actions since then have borne us out.

Right now, in Oregon, we have three separate LNG proposals pending before FERC. Together, they would have a combined capacity of 3.3 billion cubic feet, BCF, of gas per day. Oregon and Washington, together, only use 1.33 BCF per day. Yet, FERC categorically refuses to address the basic question of whether the three proposed facilities are even needed to serve our market. FERC also refuses to consider whether any of the three publicly announced interstate pipeline proposals to bring natural gas to Oregon from the Rocky Mountains would be a better option. In fact, FERC asserts that it's not its job to determine which, if any, of these proposals best serves our market. FERC also asserts that it has no obligation to determine which of these proposals—and the hundreds of miles of pipelines that would cut through forest lands, farms, vineyards, and residential neighborhoods to connect them to the interstate pipeline system—has the least environmental impact to our State and our citizens' private property.

To make matters worse, FERC's insistence that each of these projects is a separate, unrelated project has produced a bureaucratic nightmare of competing public meetings, scoping hearings, and filing requirements for each project. Letters from local officials to FERC asking legitimate questions about impacts on local land use don't get answered. They simply get filed, because that's what the FERC process is set up to do—to process paper and not address real concerns.

The end result is a public process in which the public has no due process and no assurance that their concerns will be heard, much less addressed.

At every turn, FERC's LNG siting process in Oregon has defied common sense and public accountability. It is a process divorced from the real world questions that need to be answered. The situation in other parts of the country is no different.

It's time to restore the local and State role in these critical decisions about in whose backyard a pipeline or

LNG plant will be built. It is time to reverse the ill-considered decision Congress made in 2005 when it overrode State and local decision-making to put a Federal bureaucracy in charge of LNG siting authority. This bill would do exactly that.

I am pleased that Senator CLINTON is joining me in sponsoring this important legislation to give States and local communities a say in where LNG facilities and pipelines should be built. I urge colleagues to join me in sponsoring the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2822

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) IN GENERAL.—Section 311 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 685) is repealed.

(b) APPLICATION.—The Natural Gas Act (15 U.S.C. 717 et seq.) shall be applied and administered as if section 311 of the Energy Policy Act of 2005 (and the amendments made by the section) had not been enacted.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4427. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4428. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. BROWN, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4429. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4430. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4432. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4433. Mrs. LINCOLN (for Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4434. Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. OBAMA)

submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4435. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4436. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4437. Mr. SMITH (for himself, Mr. KOHL, Ms. MURKOWSKI, Mr. STEVENS, Mrs. HUTCHISON, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 4427. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new techniques, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

### SEC. \_\_\_\_ . SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the tornado disaster area on or after January 1, 2007, and before April 1, 2008, and which are attributable to tornados.

(b) TORNADO DISASTER AREA.—For purposes of this Act, the term “tornado disaster area” means any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act on or after January 1, 2007, and before April 1, 2008, by reason of damage attributable to tornados.

SA 4428. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. BROWN, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, line 23, strike “\$4,000,000,000” and insert “\$3,900,000,000”.

On page 58, line 10, strike “\$100,000,000” and all that follows through “2008” on line 11, and insert the following: “\$200,000,000, to remain available until December 31, 2008”.

SA 4429. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, as follows:

Beginning on page 2, line 14, strike all through page 6, line 13, and insert the following:

### SEC. 811. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking “January 1, 2009” and inserting “January 1, 2011”:

- (1) Paragraph (1).
- (2) Clauses (i) and (ii) of paragraph (2)(A).
- (3) Clauses (i)(I) and (ii) of paragraph (3)(A).
- (4) Paragraph (4).
- (5) Paragraph (5).
- (6) Paragraph (6).
- (7) Paragraph (7).
- (8) Paragraph (8).
- (9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking “and” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, and”, and by adding at the end the following new subparagraph:

“(I) marine and hydrokinetic renewable energy.”

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

“(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

“(A) IN GENERAL.—The term ‘marine and hydrokinetic renewable energy’ means energy derived from—

“(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

“(ii) free flowing water in rivers, lakes, and streams,

“(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

“(iv) differentials in ocean temperature (ocean thermal energy conversion).

“(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.”

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph: