

117TH CONGRESS
2D SESSION

H. R. 9641

To amend the Outer Continental Shelf Lands Act to support the responsible development of offshore renewable energy projects, establish the Offshore Power Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2022

Mr. TONKO introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Outer Continental Shelf Lands Act to support the responsible development of offshore renewable energy projects, establish the Offshore Power Administration, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Offshore Energy Modernization Act of 2022”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Responsible development of offshore renewable energy projects.
- Sec. 3. Offshore Renewable Energy Compensation Fund.
- Sec. 4. Improving environmental reviews to ensure timely permitting decisions.
- Sec. 5. Report on decommissioning of offshore renewable energy projects.
- Sec. 6. Offshore power administration.
- Sec. 7. Offshore transmission infrastructure studies and recommendations.
- Sec. 8. Interoperability of offshore transmission infrastructure.
- Sec. 9. Offshore wind shipbuilding.
- Sec. 10. Access to offshore renewable energy areas.
- Sec. 11. Definitions.

1 **SEC. 2. RESPONSIBLE DEVELOPMENT OF OFFSHORE RE-**
 2 **NEWABLE ENERGY PROJECTS.**

3 (a) DEFINITIONS.—Section 2 of the Outer Conti-
 4 nental Shelf Lands Act (43 U.S.C. 1331) is amended by
 5 adding at the end the following:

6 “(u) OFFSHORE RENEWABLE ENERGY PROJECT.—
 7 The term ‘offshore renewable energy project’ means a
 8 project to carry out an activity described in section
 9 8(p)(1)(C) related to wind, solar, wave, or tidal energy.”.

10 (b) NATIONAL POLICY FOR THE OUTER CONTI-
 11 NENTAL SHELF.—Section 3 of the Outer Continental
 12 Shelf Lands Act (43 U.S.C. 1332) is amended—

13 (1) by amending paragraph (3) to read as fol-
 14 lows:

15 “(3) the outer Continental Shelf is a vital na-
 16 tional resource reserve held by the Federal Govern-
 17 ment for the public, which should be made available
 18 for expeditious and orderly development, subject to
 19 environmental safeguards and coexistence with other
 20 ocean users, in a manner which—

1 “(A) supports the generation, trans-
2 mission, and storage of zero-emission electricity;
3 and

4 “(B) is consistent with the maintenance of
5 competition and other national needs, including
6 the need to achieve State and Federal zero-
7 emission electricity or renewable energy man-
8 dates, targets, and goals;”;

9 (2) by redesignating paragraphs (5) and (6) as
10 paragraphs (6) and (7), respectively; and

11 (3) by inserting after paragraph (4) the fol-
12 lowing:

13 “(5) the identification, development, and pro-
14 duction of lease areas for offshore renewable energy
15 projects should be determined by a robust and trans-
16 parent stakeholder process that incorporates engage-
17 ment and input from a diverse group of ocean users
18 as well as Federal, State, Tribal, and local govern-
19 ments;”.

20 (c) LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON
21 THE OUTER CONTINENTAL SHELF.—Section 8(p) of the
22 Outer Continental Shelf Lands Act (43 U.S.C. 1337(p))
23 is amended—

24 (1) in paragraph (2)—

25 (A) in subparagraph (B)—

1 (i) by striking “27” and inserting
2 “17”; and

3 (ii) by striking “15” and inserting
4 “100”; and

5 (B) by adding at the end the following:

6 “(C) PAYMENTS FOR CONSERVATION AND MITI-
7 GATION ACTIVITIES.—

8 “(i) IN GENERAL.—Notwithstanding sec-
9 tion 9, the Secretary shall, without appropria-
10 tion or fiscal year limitation, use 10 percent of
11 the revenue received by the Federal Govern-
12 ment from royalties, fees, rents, bonuses, and
13 other payments from any lease, easement, or
14 right-of-way granted under this subsection to
15 provide grants to—

16 “(I) State, local, and Tribal govern-
17 ments, and regional partnerships thereof,
18 including Regional Ocean Partnerships and
19 Regional Wildlife Science Collaboratives;
20 and

21 “(II) nonprofit organizations.

22 “(ii) USE OF GRANTS.—Grants provided
23 under clause (i) shall be used for carrying out
24 activities related to marine and coastal habitat
25 protection and restoration, mitigation of dam-

age to natural resources and marine life, relevant research and data sharing initiatives, or increasing the organizational capacity of an entity described in subclause (I) or (II) of clause (i) to increase the effectiveness of entities that carry out such activities.

“(D) OFFSHORE RENEWABLE ENERGY COMPENSATION FUND.—Notwithstanding section 9, the Secretary shall, without appropriation or fiscal year limitation, deposit 10 percent of the revenue received by the Federal Government from royalties, fees, rents, bonuses, and other payments from any lease, easement, or right-of-way granted under this subsection into the Offshore Renewable Energy Compensation Fund established under section 34.”;

(2) by amending paragraph (3) to read as follows:

“(3) LEASING.—

“(A) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 388(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after

1 public notice of a proposed lease, easement, or
2 right-of-way that there is no competitive inter-
3 est.

4 “(B) SCHEDULE OF OFFSHORE RENEW-
5 ABLE ENERGY LEASE SALES.—The Secretary
6 shall, after providing an opportunity for public
7 notice and comment, publish and periodically
8 update a schedule of areas that may be avail-
9 able for leasing in the future for offshore re-
10 newable energy projects, indicating, to the ex-
11 tent possible, the timing of site identification
12 activities, the timing of designation of any area
13 to be leased, the anticipated size of such areas,
14 the timing of lease sales, and the location of
15 leasing activities.

16 “(C) MULTI-FACTOR BIDDING.—

17 “(i) IN GENERAL.—The Secretary
18 may consider non-monetary factors when
19 competitively awarding leases under para-
20 graph (1), which may include commitments
21 made by the bidder to—

22 “(I) support or increase access to
23 registered apprenticeship programs
24 and pre-apprenticeship programs that
25 have an articulation agreement with a

1 registered apprenticeships program
2 for offshore renewable energy projects;

3 “(II) support development of do-
4 mestic supply chains for offshore re-
5 newable energy projects, including de-
6 velopment of ports and other energy
7 infrastructure necessary to facilitate
8 offshore renewable energy projects;

9 “(III) establish a community
10 benefit agreement with one or more
11 community or stakeholder groups,
12 which may include covered entities;

13 “(IV) make investments to evalu-
14 ate, monitor, improve, and mitigate
15 impacts to the health and biodiversity
16 of ecosystems and wildlife within the
17 leased area; and

18 “(V) make other investments de-
19 termined appropriate by the Sec-
20 retary.

21 “(ii) CONTRACTUAL COMMITMENTS.—
22 When considering non-monetary factors
23 under this subparagraph, the Secretary
24 shall—

1 “(I) evaluate the quality of com-
2 mitments made by the bidder; and

3 “(II) reward finalized binding
4 agreements above assurances for fu-
5 ture commitments.

6 “(iii) DEFINITIONS.—In this subpara-
7 graph:

8 “(I) COVERED ENTITY.—The
9 term ‘covered entity’ has the meaning
10 given such term in section 34(k).

11 “(II) REGISTERED APPRENTICE-
12 SHIP PROGRAM.—The term ‘registered
13 apprenticeship program’ means an ap-
14 prenticeship program registered under
15 the Act of August 16, 1937 (com-
16 monly known as the National Appren-
17 ticeship Act; 50 Stat. 664, chapter
18 663; 29 U.S.C. 50 et seq.).”;

19 (3) by amending paragraph (4) to read as fol-
20 lows:

21 “(4) REQUIREMENTS.—

22 “(A) IN GENERAL.—The Secretary shall
23 ensure that any activity under this subsection is
24 carried out in a manner that provides for—

25 “(i) safety;

1 “(ii) protection of the environment,
2 which includes facilitation of the genera-
3 tion, transmission, and storage of zero-
4 emission electricity;

5 “(iii) prevention of waste;

6 “(iv) conservation of the natural re-
7 sources of the outer Continental Shelf;

8 “(v) coordination with relevant Fed-
9 eral agencies and State, Tribal, and local
10 governments;

11 “(vi) protection of national security
12 interests of the United States;

13 “(vii) protection of correlative rights
14 in the outer Continental Shelf;

15 “(viii) a fair return to the United
16 States for any lease, easement, or right-of-
17 way under this subsection;

18 “(ix) reasonable uses (as determined
19 by the Secretary) of the exclusive economic
20 zone, the high seas, and the territorial
21 seas;

22 “(x) consideration of—

23 “(I) the location of, and any
24 schedule relating to, a lease, ease-

1 ment, or right-of-way for an area of
2 the outer Continental Shelf; and

3 “(II) any other use of the sea or
4 seabed, including use for a fishery, a
5 sealane, a potential site of a deep-
6 water port, or navigation;

7 “(xi) public notice and comment on
8 any proposal submitted for a lease, ease-
9 ment, or right-of-way under this sub-
10 section;

11 “(xii) oversight, inspection, research,
12 monitoring, and enforcement relating to a
13 lease, easement, or right-of-way under this
14 subsection; and

15 “(xiii) satisfaction of any applicable
16 State and Federal renewable and clean en-
17 ergy mandates, targets, and goals.

18 “(B) PROJECT LABOR AGREEMENTS.—

19 “(i) IN GENERAL.—Beginning not
20 later than January 1, 2024, the Secretary
21 shall require, as a term or condition of
22 each lease, right-of-way, and easement, as
23 applicable, for an offshore renewable en-
24 ergy project that the holder of the lease,
25 right-of-way, or easement, (and any suc-

cessor or assignee) and its agents, contractors, and subcontractors engaged in the construction of any facilities for such offshore renewable energy project agree, for purposes of such construction, negotiate or become a party to a project labor agreement with one or more labor organizations. A project labor agreement shall bind all contractors and subcontractors on the project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents. The Secretary shall not approve a construction and operations plan with respect to any offshore renewable energy project until being assured by the lessee that such project labor agreement will be maintained for the duration of the project.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) CONSTRUCTION.—The term ‘construction’ includes reconstruction, rehabilitation, modernization, alteration, conversion, extension, repair, or improvement of any facility, structure,

1 or other real property (including any
2 onshore facilities) for an offshore re-
3 newable energy project.

4 “(II) LABOR ORGANIZATION.—

5 The term ‘labor organization’ means a
6 labor organization as defined in sec-
7 tion 2(5) of the National Labor Rela-
8 tions Act (29 U.S.C. 152(5))—

9 “(aa) of which building and
10 construction employees are mem-
11 bers; and

12 “(bb) that directly, or
13 through its affiliates, sponsors a
14 registered apprenticeship pro-
15 gram.

16 “(III) PROJECT LABOR AGREE-

17 MENT.—The term ‘project labor
18 agreement’ means a pre-hire collective
19 bargaining agreement with one or
20 more labor organizations that estab-
21 lishes the terms and conditions of em-
22 ployment for a specific construction
23 project and is an agreement described
24 in section 8(e) and (f) of the National

1 Labor Relations Act (29 U.S.C.
2 158(f)).

3 “(IV) REGISTERED APPRENTICE-
4 SHIP PROGRAM.—The term ‘registered
5 apprenticeship program’ means an ap-
6 prenticeship program registered under
7 the Act of August 16, 1937 (com-
8 monly known as the National Appren-
9 ticeship Act; 50 Stat. 664, chapter
10 663; 29 U.S.C. 50 et seq.).

11 “(C) DOMESTIC CONTENT.—

12 “(i) IN GENERAL.—Beginning not
13 later than December 31, 2031, the Sec-
14 retary shall require that—

15 “(I) all structural iron and steel
16 products that are (upon completion of
17 construction) components of facilities
18 for an offshore renewable energy
19 project shall be produced in the
20 United States; and

21 “(II) not less than 80 percent of
22 the total costs of all manufactured
23 products that are (upon completion of
24 construction) components of such fa-
25 cilities shall be attributable to manu-

1 factured products which are mined,
2 produced, or manufactured in the
3 United States.

4 “(ii) WAIVER.—The Secretary may
5 waive the requirements of clause (i) in any
6 case or category of cases in which the Sec-
7 retary finds that—

8 “(I) applying clause (i) would be
9 inconsistent with the public interest;

10 “(II) such products are not pro-
11 duced in the United States in suffi-
12 cient and reasonably available quan-
13 tities and of a satisfactory quality; or

14 “(III) the use of such products
15 will increase the cost of the overall
16 project by more than 25 percent.

17 “(iii) PUBLIC NOTIFICATION.—If the
18 Secretary receives a request for a waiver
19 under this subparagraph, the Secretary
20 shall make available to the public, on an
21 informal basis, a copy of the request and
22 information available to the Secretary con-
23 cerning the request, and shall allow for in-
24 formal public input on the request for at
25 least 15 days prior to making a finding

1 based on the request. The Secretary shall
2 make the request and accompanying infor-
3 mation available to the public by electronic
4 means, including on the official public
5 Internet site of the Department of the In-
6 terior.

7 “(iv) INTERNATIONAL AGREE-
8 MENTS.—This paragraph shall be applied
9 in a manner consistent with United States
10 obligations under international agree-
11 ments.”;

12 (4) by amending paragraph (10) to read as fol-
13 lows:

14 “(10) APPLICABILITY.—

15 “(A) IN GENERAL.—This subsection does
16 not apply to any area on the outer Continental
17 Shelf within the exterior boundaries of any unit
18 of the National Park System, National Wildlife
19 Refuge System, or National Marine Sanctuary
20 System, or any National Monument.

21 “(B) CERTAIN TRANSMISSION INFRA-
22 STRUCTURE.—Notwithstanding subparagraph
23 (A), if otherwise authorized pursuant to the
24 National Marine Sanctuaries Act (16 U.S.C.
25 1431 et seq.), the Secretary may issue a lease,

1 easement, or right-of-way to enable the trans-
2 mission of electricity generated by an offshore
3 renewable energy project, including a lease,
4 easement, or right-of-way for electrical sub-
5 stations and other infrastructure used to trans-
6 mit electricity generated by an offshore renew-
7 able energy project.”; and

8 (5) by adding at the end the following:

9 “(11) REGIONAL IMPACT STUDIES.—

10 “(A) IN GENERAL.—Beginning two years
11 after the date of enactment of this paragraph,
12 before holding any lease sale pursuant to para-
13 graph (1) for an area, the Secretary shall con-
14 duct a study of such area, or the region that in-
15 cludes such area, in order to establish informa-
16 tion needed for assessment and management of
17 the environmental impacts on the human, ma-
18 rine, and coastal environments of the outer
19 Continental Shelf and the coastal areas which
20 may be affected by offshore renewable energy
21 projects in such area or region.

22 “(B) INCLUSIONS.—A study conducted
23 under subparagraph (A)—

24 “(i) may incorporate the best available
25 existing science and data;

1 “(ii) may identify areas for which
2 there is insufficient science and data; and

3 “(iii) shall include consideration of the
4 cumulative impacts (including potential
5 navigational impacts) of offshore renewable
6 energy projects on human, marine, and
7 coastal environments.

8 “(C) USE OF DATA AND ASSESSMENTS.—
9 The Secretary shall use the data and assess-
10 ments included in studies conducted under this
11 paragraph, as appropriate, when deciding—

12 “(i) which portions of an area or re-
13 gion are most appropriate to make avail-
14 able for leasing; and

15 “(ii) whether to issue any permit or
16 other authorization that is necessary to
17 carry out an offshore renewable energy
18 project.

19 “(D) NEPA APPLICABILITY.—The Sec-
20 retary conducting a study under subparagraph
21 (A) shall not be considered a major Federal ac-
22 tion under section 102(2)(C) of the National
23 Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)).”.

1 (d) RESERVATIONS.—Section 12(a) of the Outer
2 Continental Shelf Lands Act (43 U.S.C. 1341(a)) is
3 amended to read as follows—

4 “(a) WITHDRAWAL OF UNLEASED LANDS BY THE
5 PRESIDENT.—

6 “(1) IN GENERAL.—The President of the
7 United States may, from time to time, withdraw
8 from disposition any of the unleased lands of the
9 outer Continental Shelf.

10 “(2) REVERSAL FOR CERTAIN OFFSHORE RE-
11 NEWABLE ENERGY PROJECTS.—With respect to a
12 withdrawal under paragraph (1) of unleased lands
13 from disposition, the President may reverse such a
14 withdrawal only to allow for leasing under section
15 (8)(p)(1)(C) and only if the President determines
16 that environmental, national security, or national or
17 regional energy conditions or demands have changed
18 such that a reversal would be in the public inter-
19 est.”.

20 (e) CITIZEN SUITS, COURT JURISDICTION, AND JU-
21 DICIAL REVIEW.—Section 23(c)(2) of the Outer Conti-
22 nental Shelf Lands Act (43 U.S.C. 1349(c)(2)) is amend-
23 ed to read as follows:

24 “(2) Any action of the Secretary to approve, require
25 modification of, or disapprove any exploration plan or de-

1 velopment and production plan under this Act, or any final
 2 lease, easement, or right-of-way granted pursuant to sec-
 3 tion (8)(p)(1) (and any related final Federal agency ac-
 4 tions), shall be subject to judicial review only in a United
 5 States court of appeals for a circuit in which an affected
 6 State is located.”.

7 **SEC. 3. OFFSHORE RENEWABLE ENERGY COMPENSATION**
 8 **FUND.**

9 The Outer Continental Shelf Lands Act (43 U.S.C.
 10 1331) is amended by adding at the end the following:

11 **“SEC. 34. OFFSHORE RENEWABLE ENERGY COMPENSATION**
 12 **FUND.**

13 “(a) ESTABLISHMENT.—There is established in the
 14 Treasury of the United States the Offshore Renewable
 15 Energy Compensation Fund, which shall be used by the
 16 Secretary to provide to eligible recipients—

17 “(1) payments for claims—

18 “(A) described under subsection (f)(1); and

19 “(B) verified pursuant to subsection
 20 (d)(1); and

21 “(2) grants to carry out mitigation activities de-
 22 scribed in subsection (f)(2).

23 “(b) AVAILABILITY OF FUND.—The Fund shall be
 24 available to the Secretary without fiscal year limitations

1 for the purpose of providing payments and grants under
2 subsection (a).

3 “(c) ACCOUNTS.—The Fund shall—

4 “(1) consist of the royalties, fees, rentals, bo-
5 nuses, and other payments deposited under section
6 8(p)(2)(D); and

7 “(2) be divided into separate area accounts
8 from which payments and grants shall be provided
9 based on the area in which damages occur.

10 “(d) REGULATIONS.—The Secretary shall establish,
11 by regulation, a process to—

12 “(1) file, process, and verify claims for purposes
13 of providing payments under subsection (a)(1); and

14 “(2) apply for a grant provided under sub-
15 section (a)(2).

16 “(e) PAYMENT AMOUNT.—Payments provided under
17 subsection (a)(1) shall—

18 “(1) be based on the scope of the verified claim;

19 “(2) be fair and provided efficiently and in a
20 transparent manner; and

21 “(3) if the eligible recipient receiving the pay-
22 ment has or will receive direct compensation for the
23 verified claim pursuant to a community benefit
24 agreement or other agreement between such eligible
25 recipient and a holder of a lease, easement, or right-

1 of-way, be reduced by an amount that is equal to the
2 amount of such direct compensation.

3 “(f) ELIGIBLE CLAIMS; MITIGATION GRANTS.—

4 “(1) ELIGIBLE CLAIMS.—A payment may be
5 provided under subsection (a)(1) for a claim to—

6 “(A) replace or repair gear that was lost or
7 damaged by the development of an offshore re-
8 newable energy project; or

9 “(B) replace income that was lost from the
10 development of an offshore renewable energy
11 project.

12 “(2) MITIGATION GRANTS.—If the Secretary
13 determines that there are sufficient amounts in an
14 area account of the Fund to provide payments for
15 all verified claims at any given time, the Secretary
16 may use amounts in the Fund to provide grants to
17 eligible recipients, and other entities determined ap-
18 propriate by the Secretary, to mitigate the potential
19 effects of development of an offshore renewable en-
20 ergy project, including by paying for gear changes,
21 navigation technology improvements, and other
22 measures to enhance safety.

23 “(g) ADVISORY GROUP.—

24 “(1) IN GENERAL.—The Secretary shall estab-
25 lish and regularly convene an advisory group that

1 shall provide recommendations on the development
2 and administration of this section.

3 “(2) MEMBERSHIP.—The advisory group
4 shall—

5 “(A) be comprised of individuals—

6 “(i) appointed by the Secretary; and

7 “(ii) representing the geographic di-
8 versity of areas impacted by the develop-
9 ment of offshore renewable energy projects;
10 and

11 “(B) include representatives from—

12 “(i) recreational fishing interests;

13 “(ii) commercial fishing interests;

14 “(iii) Tribal fishing interests;

15 “(iv) the National Marine Fisheries
16 Services;

17 “(v) the fisheries science community;

18 and

19 “(vi) other fields of expertise nec-
20 essary to effectively develop and administer
21 this section, as determined by the Sec-
22 retary.

23 “(3) TRAVEL EXPENSES.—The Secretary may
24 provide amounts to any member of the advisory
25 group to pay for travel expenses, including per diem

1 in lieu of subsistence, at rates authorized for an em-
2 ployee of an agency under section 5703 of title 5,
3 United States Code, while away from the home or
4 regular place of business of the member in the per-
5 formance of the duties of the advisory group.

6 “(h) INSUFFICIENT FUNDS.—

7 “(1) IN GENERAL.—If the Secretary determines
8 that an area account does not contain a sufficient
9 amount to provide payments under subsection
10 (a)(1), the Secretary may, not more than once each
11 calendar year, require any holder of an offshore re-
12 newable energy lease located within the area covered
13 by the area account to pay an amount specified by
14 the Secretary, which shall be deposited into such
15 area account.

16 “(2) AMOUNT.—No holder of an offshore re-
17 newable energy lease shall be required to pay an
18 amount in excess of \$1 per acre of the leased land
19 described in paragraph (1).

20 “(i) ADMINISTRATIVE EXPENSES.—The Secretary
21 may use up to 15 percent of any amount deposited into
22 the Fund under section 8(p)(2)(D) for administrative ex-
23 penses to carry out this section.

24 “(j) ANNUAL REPORT.—The Secretary shall submit
25 to Congress, and make publicly available, an annual report

1 on activities carried out under this section, including a de-
2 scription of claims filed and the amount of payments and
3 grants provided.

4 “(k) DEFINITIONS.—In this section:

5 “(1) COVERED ENTITY.—The term ‘covered en-
6 tity’ means a community, stakeholder, or tribal in-
7 terest—

8 “(A) that uses a geographic space of a
9 lease area, or uses resources harvested from a
10 geographic space of a lease area; and

11 “(B) for which such use is directly and ad-
12 versely impacted by the development of an off-
13 shore renewable energy project located in such
14 leased area.

15 “(2) ELIGIBLE RECIPIENT.—The term ‘eligible
16 recipient’ means—

17 “(A) a covered entity that is located in the
18 United States; or

19 “(B) a regional association, cooperative,
20 non-profit organization, commission, or corpora-
21 tion that—

22 “(i) serves a covered entity;

23 “(ii) acts on behalf of a covered entity
24 for purposes of this section, including by

1 submitting a claim for a covered entity;

2 and

3 “(iii) is located in the United States.

4 “(3) FUND.—The term ‘Fund’ means the Off-
5 shore Renewable Energy Compensation Fund estab-
6 lished under subsection (a).

7 “(4) LEASE AREA.—The term ‘lease area’
8 means an area covered by an offshore renewable en-
9 ergy lease.

10 “(5) OFFSHORE RENEWABLE ENERGY LEASE.—
11 The term ‘offshore renewable energy lease’ means a
12 lease, easement, or right-of-way granted under sec-
13 tion 8(p)(1)(C).”.

14 **SEC. 4. IMPROVING ENVIRONMENTAL REVIEWS TO ENSURE**
15 **TIMELY PERMITTING DECISIONS.**

16 (a) BUREAU OF OCEAN ENERGY MANAGEMENT.—In
17 addition to amounts otherwise available, there is appro-
18 priated to the Secretary of the Interior for fiscal year
19 2023, out of any money in the Treasury not otherwise ap-
20 propriated, \$50,000,000 to remain available until ex-
21 pended, to provide for the hiring and training of personnel,
22 the development of programmatic environmental docu-
23 ments, the procurement of technical or scientific services
24 for environmental reviews, support of regional ocean data
25 portals, the development of environmental data or infor-

1 mation systems (including efforts to standardize, establish
2 a baseline for, publish, or otherwise improve the consist-
3 ency of environmental data), the development of pre-appli-
4 cation components, stakeholder and community engage-
5 ment, updates to the Marine Cadastre for advancements
6 in spatial data analysis and deconfliction, the purchase of
7 new equipment for environmental analysis, and coordina-
8 tion (including through the public tracking of Federal au-
9 thorizations and reviews) to facilitate timely and efficient
10 permitting of offshore renewable energy projects.

11 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
12 ISTRATION.—In addition to amounts otherwise available,
13 there is appropriated to the Secretary of Commerce for
14 fiscal year 2023, out of any money in the Treasury not
15 otherwise appropriated, \$45,000,000 to remain available
16 until expended, to provide for the hiring and training of
17 personnel, the development of programmatic environ-
18 mental documents, the procurement of technical or sci-
19 entific services for environmental reviews, support of re-
20 gional ocean data portals, the development of environ-
21 mental data or information systems (including efforts to
22 standardize, baseline, publish, or otherwise improve the
23 consistency of environmental data), stakeholder and com-
24 munity engagement, updates to the Marine Cadastre for
25 advancements in spatial data analysis and deconfliction,

1 adaptation of scientific and fisheries surveys, and the pur-
2 chase of new equipment for environmental analysis to fa-
3 cilitate timely and efficient environmental reviews for the
4 permitting of offshore renewable energy projects.

5 **SEC. 5. REPORT ON DECOMMISSIONING OF OFFSHORE RE-**
6 **NEWABLE ENERGY PROJECTS.**

7 Not later than 5 years after the date of enactment
8 of this Act, the Secretary of the Interior shall submit to
9 Congress, and make publicly available, a report evaluating
10 decommissioning options for offshore renewable energy
11 projects, including an assessment of the potential for the
12 holder of a lease, easement, or right-of-way to keep facili-
13 ties in place or otherwise convert such facilities to artificial
14 reefs to support marine habitats, provided that such facili-
15 ties will not adversely impact navigation, national security,
16 the marine environment, or other competing uses of the
17 outer Continental Shelf.

18 **SEC. 6. OFFSHORE POWER ADMINISTRATION.**

19 (a) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary of Energy
21 shall establish the Offshore Power Administration.

22 (b) AUTHORITIES.—

23 (1) IN GENERAL.—The Offshore Power Admin-
24 istration may, subject to paragraphs (2) and (3)—

1 (A) construct, finance, facilitate, plan, op-
2 erate, maintain, acquire, and study covered
3 transmission infrastructure; and

4 (B) support construction, financing, facili-
5 tation, planning, operation, maintenance, acqui-
6 sition, and study of covered transmission infra-
7 structure.

8 (2) LIMITATION ON CONSTRUCTION.—

9 (A) IN GENERAL.—The Offshore Power
10 Administration may not construct covered
11 transmission infrastructure in any region until
12 the Secretary of Energy has made a determina-
13 tion (in consultation with the Secretary of the
14 Interior) that the relevant State governments,
15 regional transmission organizations, offshore re-
16 newable energy project developers, and other
17 stakeholders the Secretary of Energy deter-
18 mines are relevant in such region have failed to
19 adequately coordinate and cooperate on the de-
20 velopment and use of shared covered trans-
21 mission infrastructure.

22 (B) INITIAL DELAY.—The Secretary of
23 Energy may not make a determination under
24 this paragraph sooner than 3 years after the
25 date of enactment of this Act.

1 (3) LEASES, EASEMENTS, AND RIGHTS-OF-
2 WAY.—In carrying out any activity under paragraph
3 (1), the Offshore Power Administration shall be sub-
4 ject to the requirements to obtain a lease, easement,
5 or right-of-way under section 8(p) of the Outer Con-
6 tinental Shelf Lands Act (43 U.S.C. 1337).

7 (c) GOVERNANCE.—

8 (1) ORGANIZATION.—The Offshore Power Ad-
9 ministration shall be preserved as a separate and
10 distinct organizational entity within the Department
11 of Energy and shall be headed by an Administrator
12 appointed by the Secretary of Energy.

13 (2) REGIONAL OFFICES.—The Administrator
14 shall establish and maintain such regional offices as
15 necessary to facilitate the performance of the Ad-
16 ministration.

17 (d) LOANS.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law, the Secretary of the Treasury shall,
20 without appropriation and without fiscal year limita-
21 tion, make loans to the Offshore Power Administra-
22 tion that, in the judgment of the Administrator, are
23 required to carry out the activities listed in sub-
24 section (b)(1).

25 (2) TERMS AND CONDITIONS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graphs (B) and (C), loans made by the Sec-
3 retary of the Treasury under paragraph (1)
4 shall include such terms and conditions that the
5 Administrator and Secretary of the Treasury
6 may agree to.

7 (B) INTEREST.—The rate of interest to be
8 charged in connection with any loan made
9 under paragraph (1) shall be fixed by the Sec-
10 retary of the Treasury, taking into consider-
11 ation market yields on outstanding marketable
12 obligations of the United States of comparable
13 maturities as of the date on which the loan is
14 made.

15 (C) LIMITATION.—Loans made by the Sec-
16 retary of the Treasury under paragraph (1)
17 may not result in, in the aggregate (including
18 deferred interest), \$10,000,000,000 in out-
19 standing repayable balances at any one time.

20 (3) REFINANCING.—The Administrator may re-
21 finance loans made pursuant to this section with the
22 Secretary of the Treasury in accordance with para-
23 graph (2).

24 (e) AGREEMENTS AND PARTNERSHIPS.—The Admin-
25 istrator may enter into agreements and partnerships with

1 other entities to carry out any of the activities listed in
2 subsection (b)(1).

3 (f) DISPOSITION OF REVENUE.—

4 (1) IN GENERAL.—With respect to covered
5 transmission infrastructure owned and operated by
6 the Offshore Power Administration pursuant to this
7 section, the Administrator shall use qualified rev-
8 enue to pay the principal and interest of the loan
9 made by Secretary of the Treasury with respect to
10 such covered transmission infrastructure.

11 (2) QUALIFIED REVENUE.—In this subsection,
12 the term “qualified revenue” means—

13 (A) all revenue received by the Offshore
14 Power Administration from the operation of the
15 covered transmission infrastructure; less

16 (B) the amount the Administrator deter-
17 mines necessary to—

18 (i) pay the costs of operating and
19 maintaining the covered transmission in-
20 frastructure, including expenses described
21 in subsection (g)(2); and

22 (ii) pay for any ancillary services that
23 are used by the Offshore Power Adminis-
24 tration.

25 (g) FORGIVENESS OF BALANCES.—

1 (1) IN GENERAL.—If, at the end of the useful
 2 life of any covered transmission infrastructure ac-
 3 quired, constructed, maintained, or operated by the
 4 Offshore Power Administration pursuant to this sec-
 5 tion there is a remaining balance owed to the Treas-
 6 ury for a loan made under this section for any such
 7 purpose, such balance shall be forgiven.

8 (2) STUDIES.—A loan made under this section
 9 for purposes of studying covered transmission infra-
 10 structure that is not constructed shall be forgiven
 11 upon notification under paragraph (3).

12 (3) NOTIFICATION.—The Administrator shall
 13 notify the Secretary of the Treasury of such
 14 amounts as are to be forgiven under this subsection.

15 (h) ADMINISTRATION.—

16 (1) ACCOUNTS AND AUDITS.—

17 (A) IN GENERAL.—The Administrator
 18 shall keep complete and accurate accounts of
 19 the operation of covered transmission infra-
 20 structure owned and operated by the Offshore
 21 Power Administration, including all funds ex-
 22 pended and received in connection with trans-
 23 mission of electric energy by the Offshore
 24 Power Administration.

1 (B) AUDITS.—The Administrator shall,
2 after the close of each fiscal year, obtain an
3 independent commercial-type audit of such ac-
4 counts.

5 (2) EXPENSES.—The Administrator may make
6 such expenditures for offices, vehicles, furnishings,
7 equipment, supplies, books, travel for attendance at
8 meetings, and for such other facilities and services
9 as the Administrator determines necessary to carry
10 out this section.

11 (i) PREVAILING WAGE.—All laborers and mechanics
12 employed by contractors and subcontractors in the per-
13 formance of construction work carried out in whole or in
14 part by the Offshore Power Administration shall be paid
15 wages at rates not less than those prevailing on projects
16 of a character similar in the locality as determined by the
17 Secretary of Labor in accordance with subchapter IV of
18 chapter 31 of title 40, United States Code. With respect
19 to the labor standards in this subsection, the Secretary
20 of Labor shall have the authority and functions set forth
21 in Reorganization Plan Numbered 14 of 1950 (64 Stat.
22 1267; 5 U.S.C. App.) and section 3145 of title 40, United
23 States Code.

24 (j) ANNUAL REPORT TO CONGRESS.—Beginning
25 January 1, 2026, and each year thereafter, not later than

1 180 days after the end of each year, the Administrator
2 shall submit to Congress a report for the previous year
3 that includes—

4 (1) a description of the activities of the Off-
5 shore Power Administration;

6 (2) an accounting of the use of loans made
7 under this section; and

8 (3) an assessment of the coordination and co-
9 operation by relevant State governments, regional
10 transmission organizations, offshore renewable en-
11 ergy project developers, and other stakeholders the
12 Secretary of Energy determines are relevant in each
13 region to develop and use shared covered trans-
14 mission infrastructure.

15 (k) DEFINITIONS.—In this section:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Offshore
18 Power Administration.

19 (2) COVERED TRANSMISSION INFRASTRUC-
20 TURE.—The term “covered transmission infrastruc-
21 ture”—

22 (A) means electric power transmission in-
23 frastructure, and any related facilities thereof,
24 that serves at least one offshore renewable en-
25 ergy project; and

1 (B) includes onshore facilities that enable
2 the interconnection of offshore renewable en-
3 ergy projects.

4 **SEC. 7. OFFSHORE TRANSMISSION INFRASTRUCTURE**
5 **STUDIES AND RECOMMENDATIONS.**

6 The Secretary of Energy, in consultation with the
7 Secretary of the Interior, the interagency comprehensive
8 digital mapping initiative established under section 388(b)
9 of the Energy Policy Act of 2005, and other relevant Fed-
10 eral, State, Tribal, and local agencies, shall periodically
11 conduct studies and make recommendations available to
12 the public on the potential siting of offshore transmission
13 infrastructure in a manner that—

14 (1) achieves transmission capacity to support
15 offshore energy development to meet State or Fed-
16 eral renewable or clean electricity mandates, targets,
17 or goals;

18 (2) promotes safety, national security, and envi-
19 ronmental protection while minimizing impacts to
20 cultural and living marine resources; and

21 (3) leads to efficient development of onshore
22 points of interconnection.

1 **SEC. 8. INTEROPERABILITY OF OFFSHORE TRANSMISSION**
2 **INFRASTRUCTURE.**

3 (a) STUDY.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary of Energy shall
5 complete and publish on the website of the Department
6 of Energy a study that assesses the need to, and chal-
7 lenges of, developing and standardizing interoperable
8 equipment and systems in support of shared offshore
9 transmission networks. Such study shall include rec-
10 ommendations for Congress, State, Tribal, and local gov-
11 ernments, manufacturers of electric grid components, sys-
12 tems, and technologies, regional transmission organiza-
13 tions, offshore renewable energy project developers, and
14 appropriate standards organizations to help ensure inter-
15 operability across seams between offshore renewable en-
16 ergy projects, States, and regions on the outer Continental
17 Shelf.

18 (b) INTEROPERABILITY STANDARD DEVELOPMENT
19 PROGRAM.—

20 (1) IN GENERAL.—The Secretary of Energy
21 shall establish and implement a program to identify,
22 develop, implement, support, and document a stand-
23 ard for interoperability of electric grid components,
24 systems, and technologies to accelerate the imple-
25 mentation and delivery of electricity generated by

1 offshore renewable energy projects through shared
2 transmission infrastructure.

3 (2) GOALS.—The goals of developing an inter-
4 operability standard under subparagraph (1) shall
5 be—

6 (A) to hasten adoption of shared trans-
7 mission infrastructure for offshore electricity
8 generation by encouraging cooperation of manu-
9 facturers of electric grid components, systems,
10 or technologies in order to—

11 (i) maximize interoperability among
12 manufacturers' systems, products, tools,
13 and applications;

14 (ii) reduce offshore renewable energy
15 project delays and cost overruns;

16 (iii) manage power grid complexity;
17 and

18 (iv) enhance grid resilience, reliability,
19 and cybersecurity; and

20 (B) to establish technical baseline require-
21 ments to effectively and securely measure, mon-
22 itor, control, and protect electricity generation
23 and transmission infrastructure from the point
24 of generation to the control center.

1 (3) FINANCIAL ASSISTANCE.—The Secretary
2 may provide financial assistance under the program
3 to entities to carry out activities that—

4 (A) engage equipment manufacturers and
5 industry stakeholders in collaborative platforms,
6 including workshops and forums;

7 (B) identify current challenges and propose
8 solutions to improve interoperability; and

9 (C) develop an industry interoperability
10 standard that meets the goals described in
11 paragraph (2) for voluntary implementation.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary of En-
14 ergy to carry out this section \$5,000,000, to remain avail-
15 able until expended.

16 **SEC. 9. OFFSHORE WIND SHIPBUILDING.**

17 (a) OFFSHORE WIND SHIPYARD GRANT PROGRAM.—

18 (1) IN GENERAL.—The Secretary of Energy
19 shall establish a program to support the refurbish-
20 ment, retooling, expansion, modernization, and es-
21 tablishment of shipyards and other manufacturing
22 facilities by providing grants for the fabrication, re-
23 pair, and conversion of vessels needed for the con-
24 struction, operation, and maintenance of offshore
25 wind energy projects.

1 (2) RECIPIENTS.—Under the program estab-
2 lished under paragraph (1), the Secretary of Energy
3 may provide grants to shipyard owners and opera-
4 tors, fabricators of the vessels described in para-
5 graph (1), and relevant component suppliers.

6 (3) PREVAILING WAGE.—The Secretary of En-
7 ergy shall take such action as may be necessary to
8 ensure all laborers and mechanics employed by con-
9 tractors or subcontractors during construction, alter-
10 ation, or repair that is supported, in whole or in
11 part, by grants provided under this section shall be
12 paid wages at rates not less than those prevailing on
13 similar construction in the locality, as determined by
14 the Secretary of Labor in accordance with sub-
15 chapter IV of chapter 31 of title 40, United States
16 Code. With respect to the labor standards in this
17 subsection, the Secretary of Labor shall have the au-
18 thority and functions set forth in Reorganization
19 Plan Numbered 14 of 1950 (64 Stat. 1267; 5
20 U.S.C. App.) and section 3145 of title 40, United
21 States Code.

22 (4) COST SHARE.—Section 988(c) of the En-
23 ergy Policy Act of 2005 (42 U.S.C. 16352(c)) shall
24 apply to a grant provided under this section as if
25 such grant were a demonstration or commercial ap-

1 plication activity described in section 988(a) of such
2 Act.

3 (5) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Sec-
5 retary of Energy to carry out this section
6 \$100,000,000, to remain available until expended.

7 (b) LOAN GUARANTEES FOR WIND TURBINE IN-
8 STALLATION VESSELS.—At the end of Section 1703(b) of
9 the Energy Policy Act of 2005, add the following:

10 “(14) Notwithstanding subsection (a)(1),
11 projects that increase the domestically produced sup-
12 ply of offshore wind vessels, including wind turbine
13 installation vessels.”.

14 **SEC. 10. ACCESS TO OFFSHORE RENEWABLE ENERGY**
15 **AREAS.**

16 It is the sense of Congress that fishing and boating
17 access in and around offshore renewable energy projects
18 will be maintained with narrow exceptions for construction
19 and maintenance activities.

20 **SEC. 11. DEFINITIONS.**

21 In this Act, the terms “offshore renewable energy
22 project” and “outer Continental Shelf” have the meanings
23 given such terms in section 2 of the Outer Continental
24 Shelf Lands Act (43 U.S.C. 1331).

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