

118TH CONGRESS
1ST SESSION

S. _____

To provide for offshore wind energy development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To provide for offshore wind energy development, 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 “Create Offshore Leadership and Livelihood Alignment
6 By Operating Responsibly And Together for the Environ-
7 ment Act” or the “COLLABORATE Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—OFFSHORE WIND

- Sec. 101. Definitions.
- Sec. 102. White House lead on offshore wind policy.
- Sec. 103. Offshore Wind Transmission Task Force.

Subtitle A—Offshore Wind Generation

- Sec. 111. Offshore wind leasing.
- Sec. 112. Offshore wind lease auctions.
- Sec. 113. Offshore wind permitting and authorizations.

Subtitle B—Offshore Wind Transmission

- Sec. 121. Offshore wind transmission research and development.
- Sec. 122. Offshore wind transmission planning.
- Sec. 123. Offshore wind transmission siting, permitting, and authorizations.
- Sec. 124. Reliability standards for offshore transmission.
- Sec. 125. Inclusion of offshore wind energy in interregional transmission planning.
- Sec. 126. Coastal State integration of offshore wind energy.

Subtitle C—Miscellaneous

- Sec. 131. Judicial review.
- Sec. 132. Application.

TITLE II—FISHERIES

- Sec. 201. Offshore Wind Energy Fisheries Compensation Fund.
- Sec. 202. Fishermen’s Contingency Fund.
- Sec. 203. Grant program for research on the impacts of offshore wind development on fisheries resources.
- Sec. 204. Offshore wind and fisheries coexistence fund.

1 **TITLE I—OFFSHORE WIND**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) **ADMINISTRATOR.**—The term “Adminis-
5 trator” means the Administrator of the National
6 Oceanic and Atmospheric Administration.

7 (2) **APPLICANT.**—The term “applicant” means
8 a sponsor of an offshore wind project that submits
9 or is planning to submit to the Secretary a construc-
10 tion and operations plan for that project.

1 (3) **BACKBONE LINE.**—The term “backbone
2 line” means a transmission line that—

3 (A) provides service subject to regulation
4 by the Federal Energy Regulatory Commission;
5 and

6 (B) links, or is capable of linking, multiple
7 offshore wind projects to the Bulk Electric Sys-
8 tem.

9 (4) **BULK ELECTRIC SYSTEM.**—The term “Bulk
10 Electric System” has the meaning given the term by
11 the North American Electric Reliability Corporation
12 (or a successor entity).

13 (5) **CALL AREA.**—The term “call area” means
14 an area on the outer Continental Shelf that—

15 (A) is identified by the Secretary as poten-
16 tially suitable for offshore wind energy develop-
17 ment; and

18 (B) is designated as a call area by the Sec-
19 retary.

20 (6) **DRAFT OFFSHORE WIND ENERGY AREA.**—
21 The term “draft *offshore* wind energy area” means
22 an area that—

23 (A) is within a call area;

24 (B) is designated as a draft offshore wind
25 energy area by the Secretary; and

1 (C) may be designated as an offshore wind
2 energy area by the Secretary.

3 (7) INDIAN TRIBE.—The term “Indian Tribe”
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 5304).

7 (8) MESHED NETWORK.—

8 (A) IN GENERAL.—The term “meshed net-
9 work” means a network of connections between
10 offshore wind transmission facilities.

11 (B) INCLUSIONS.—A meshed network may
12 include radial lines and backbone lines.

13 (9) OFFSHORE WIND ENERGY AREA.—The term
14 “offshore wind energy area” means an area that—

15 (A) is within a call area; and

16 (B) is designated as a Wind Energy Area
17 by the Secretary.

18 (10) OFFSHORE WIND GENERATION FACIL-
19 ITY.—The term “offshore wind generation facility”
20 means a facility that—

21 (A) is located on the outer Continental
22 Shelf; and

23 (B) produces electric energy by the use, as
24 a primary energy source, of wind energy.

1 (11) OFFSHORE WIND TRANSMISSION FACIL-
2 ITY.—

3 (A) IN GENERAL.—The term “offshore
4 wind transmission facility” means a facility
5 such as a line or cable, and any related infra-
6 structure or equipment, such as a substation or
7 converter station, that—

8 (i) is used for the transmission of
9 electric energy—

10 (I) between 2 or more offshore
11 wind generation facilities, including—

12 (aa) offshore wind genera-
13 tion facilities within a single off-
14 shore wind project; and

15 (bb) offshore wind genera-
16 tion facilities in different offshore
17 wind projects; or

18 (II) between 1 or more offshore
19 wind generation facilities and an
20 interconnection with an onshore elec-
21 tric grid; and

22 (ii) is located on the outer Continental
23 Shelf.

24 (B) INCLUSIONS.—The term “offshore
25 wind transmission facility” includes a radial

1 line, a backbone line, and any transmission line
2 used in a meshed network.

3 (12) OUTER CONTINENTAL SHELF.—The term
4 “outer Continental Shelf” has the meaning given the
5 term in section 2 of the Outer Continental Shelf
6 Lands Act (43 U.S.C. 1331).

7 (13) RADIAL LINE.—The term “radial line”
8 means a transmission line that is used to link a sin-
9 gular offshore wind project to the Bulk Electric Sys-
10 tem.

11 (14) REGISTERED APPRENTICESHIP PRO-
12 GRAM.—The term “registered apprenticeship pro-
13 gram” means an apprenticeship program registered
14 under the Act of August 16, 1937 (commonly known
15 as the “National Apprenticeship Act”; 50 Stat. 664,
16 chapter 663; 29 U.S.C. 50 et seq.).

17 (15) SECRETARY.—The term “Secretary”
18 means the Secretary of the Interior, acting through
19 the Director of the Bureau of Ocean Energy Man-
20 agement.

21 (16) STATE.—The term “State” means—

22 (A) a State;

23 (B) the District of Columbia;

24 (C) the Commonwealth of Puerto Rico;

25 and

1 (D) any other territory or possession of the
2 United States.

3 (17) TRIBAL ORGANIZATION.—The term “Trib-
4 al organization” has the meaning given the term in
5 section 4 of the Indian Self-Determination and Edu-
6 cation Assistance Act (25 U.S.C. 5304).

7 **SEC. 102. WHITE HOUSE LEAD ON OFFSHORE WIND POLICY.**

8 (a) IN GENERAL.—Given the critical importance of
9 developing and implementing, with input from various
10 agencies throughout the executive branch, a cohesive strat-
11 egy with respect to efforts related to offshore wind energy
12 development, the President shall establish, within the Ex-
13 ecutive Office of the President, a position, to be known
14 as the “Director for Offshore Wind Policy” (referred to
15 in this section as the “Director”), which—

16 (1) shall be the designated lead within the
17 White House for coordination on issues relating to
18 those efforts; and

19 (2) may, if determined to be appropriate, report
20 to the President.

21 (b) APPOINTMENT OF DIRECTOR.—

22 (1) IN GENERAL.—In appointing the Director,
23 the President shall give special consideration to indi-
24 viduals who have experience working in or with the
25 offshore wind industry.

1 (2) INITIAL APPOINTMENT.—The President
2 shall appoint the initial Director not later than 180
3 days after the date of enactment of this Act.

4 (3) INDEPENDENCE.—The Director—

5 (A) may, if determined to be appropriate,
6 be appointed—

7 (i) to the Climate Policy Office; or

8 (ii) as head of a new office, council, or
9 other entity within the Executive Office of
10 the President; but

11 (B) shall be independent from any other
12 office, council, or other entity within the Execu-
13 tive Office of the President, including—

14 (i) the Office of Management and
15 Budget;

16 (ii) the Council on Environmental
17 Quality;

18 (iii) the Office of Science and Tech-
19 nology Policy; and

20 (iv) the National Economic Council.

21 (c) RESPONSIBILITIES OF DIRECTOR.—

22 (1) IN GENERAL.—The Director shall—

23 (A) support the development and imple-
24 mentation of offshore wind policies for the
25 United States;

1 (B) coordinate with the officials described
2 in paragraph (2)—

3 (i) to facilitate a whole-of-government
4 approach for offshore wind energy develop-
5 ment;

6 (ii) to ensure timely deliberation and
7 execution with respect to offshore wind en-
8 ergy milestones, including at the project
9 level; and

10 (iii) to formalize and improve existing
11 processes for resolving interagency disputes
12 with respect to offshore wind energy devel-
13 opment, including siting and permitting;
14 and

15 (C) resolve interagency disputes pursuant
16 to the process formalized under subparagraph
17 (B)(iii).

18 (2) OFFICIALS DESCRIBED.—The officials re-
19 ferred to in paragraph (1)(B) are—

20 (A) the appropriate officials of—

21 (i) the Department of Energy;

22 (ii) the Department of the Interior,
23 including—

24 (I) the Bureau of Ocean Energy
25 Management;

10

1 (II) the Bureau of Safety and
2 Environmental Enforcement; and

3 (III) the United States Fish and
4 Wildlife Service;

5 (iii) the Department of Defense;

6 (iv) the Department of Commerce, in-
7 cluding the National Oceanic and Atmos-
8 pheric Administration;

9 (v) the Environmental Protection
10 Agency;

11 (vi) the Federal Energy Regulatory
12 Commission;

13 (vii) the Office of Science and Tech-
14 nology Policy;

15 (viii) the Corps of Engineers;

16 (ix) the Coast Guard; and

17 (x) any other Federal agency that the
18 Director determines to be appropriate;

19 (B) appropriate officials within the Execu-
20 tive Office of the President, including appro-
21 priate officials from the Council on Environ-
22 mental Quality;

23 (C) 1 or more members of the Ocean Pol-
24 icy Committee; and

1 (D) the Executive Director of the Federal
2 Permitting Improvement Steering Council.

3 **SEC. 103. OFFSHORE WIND TRANSMISSION TASK FORCE.**

4 (a) DEFINITION OF OFFSHORE WIND TRANSMISSION
5 TASK FORCE.—In this section, the term “Offshore Wind
6 Transmission Task Force” means, as applicable—

7 (1) the National Offshore Wind Transmission
8 Task Force established under subsection (b)(1); or

9 (2) a regional offshore wind transmission task
10 force established under subsection (b)(2).

11 (b) ESTABLISHMENT.—

12 (1) NATIONAL TASK FORCE.—Subject to para-
13 graph (2), not later than 120 days after the date of
14 enactment of this Act, the Secretary of the Interior
15 shall establish and chair a national task force, to be
16 known as the “National Offshore Wind Trans-
17 mission Task Force”, to coordinate—

18 (A) the siting and development of offshore
19 wind transmission facilities; and

20 (B) the alignment of the permitting proc-
21 esses for offshore wind transmission develop-
22 ment, including with respect to projects and ac-
23 tivities at the Federal and State levels.

24 (2) REGIONAL TASK FORCES.—

1 (A) IN GENERAL.—The Secretary of the
2 Interior may establish, if the Secretary of the
3 Interior determines appropriate, in lieu of a na-
4 tional task force under paragraph (1), 1 or
5 more regional offshore wind transmission task
6 forces to coordinate the matters described in
7 subparagraphs (A) and (B) of that paragraph
8 in particular regions, including by leveraging
9 relevant Intergovernmental Renewable Energy
10 Task Forces of the Bureau of Ocean Energy
11 Management.

12 (B) CHAIR.—The Secretary of the Interior
13 shall select a chair for each regional task force
14 established under subparagraph (A), which may
15 be the head of a regional office of the Bureau
16 of Ocean Energy Management [or any other in-
17 dividual the Secretary of the Interior deter-
18 mines appropriate].

19 (c) MEMBERS.—An Offshore Wind Transmission
20 Task Force shall include—

21 (1) the Director for Offshore Wind Policy ap-
22 pointed under section 102;

23 (2) members representing relevant Federal
24 agencies, including—

25 (A) the Department of Energy;

1 (B) the Department of the Interior, includ-
2 ing—

3 (i) the Bureau of Ocean Energy Man-
4 agement; and

5 (ii) the Bureau of Safety and Envi-
6 ronmental Enforcement;

7 (C) the Department of Defense;

8 (D) the Department of Commerce, includ-
9 ing the National Oceanic and Atmospheric Ad-
10 ministration;

11 (E) the Environmental Protection Agency;

12 (F) the Federal Energy Regulatory Com-
13 mission;

14 (G) the Office of Science and Technology
15 Policy;

16 (H) the Corps of Engineers;

17 (I) the Coast Guard; and

18 (J) any other Federal agency that the **【Di-**
19 **rector / Secretary】** determines to be appro-
20 priate;

21 (3) members representing relevant State gov-
22 ernments, which may include representatives of rel-
23 evant State agencies, such as public utility commis-
24 sions or public service commissions; and

1 (4) members representing relevant Indian
2 Tribes or Tribal organizations.

3 (d) FOCUS.—In carrying out the duties described in
4 subsection (b), an Offshore Wind Transmission Task
5 Force shall—

6 (1) advise the Secretary and the Secretary of
7 Energy with respect to the identification of preferred
8 routes for transmission cables under section 122(a);

9 (2) advise the Secretary on matters relating to
10 the rulemaking under section 123(b) and any other
11 rulemaking relating to offshore transmission;

12 (3) consider how grant funding, such as grants
13 provided under section 50152 of Public Law 117–
14 169 (commonly known as the “Inflation Reduction
15 Act of 2022”) (42 U.S.C. 18715a), can help support
16 development and siting of offshore transmission pro-
17 posals and relevant onshore grid upgrades; and

18 (4) consider how to support the domestic manu-
19 facturing of offshore wind transmission equipment.

20 **Subtitle A—Offshore Wind**
21 **Generation**

22 **SEC. 111. OFFSHORE WIND LEASING.**

23 Section 33 of the Outer Continental Shelf Lands Act
24 (43 U.S.C. 1356c) is amended—

1 (1) in the section heading, by striking “**WIND**
2 **LEASE SALES**” and all that follows through
3 “**UNITED STATES**” and inserting “**OFFSHORE**
4 **WIND GENERATION AND LEASING**”;

5 (2) by redesignating subsection (a) as sub-
6 section (c); and

7 (3) by inserting before subsection (c) (as so re-
8 designated) the following:

9 “(a) **DEFINITIONS.**—In this section:

10 “(1) **DRAFT OFFSHORE WIND ENERGY AREA.**—

11 The term ‘draft offshore wind energy area’ has the
12 meaning given the term in section 101 of the Create
13 Offshore Leadership and Livelihood Alignment By
14 Operating Responsibly And Together for the Envi-
15 ronment Act.

16 “(2) **INDIAN TRIBE.**—The term ‘Indian Tribe’
17 has the meaning given the term in section 101 of the
18 Create Offshore Leadership and Livelihood Align-
19 ment By Operating Responsibly And Together for
20 the Environment Act.

21 “(3) **OFFSHORE WIND ENERGY AREA.**—The
22 term ‘offshore wind energy area’ has the meaning
23 given the term in section 101 of the Create Offshore
24 Leadership and Livelihood Alignment By Operating
25 Responsibly And Together for the Environment Act.

1 “(4) TRIBAL ORGANIZATION.—The term ‘Tribal
2 organization’ has the meaning given the term in sec-
3 tion 101 of the Create Offshore Leadership and
4 Livelihood Alignment By Operating Responsibly And
5 Together for the Environment Act.

6 “(b) OFFSHORE WIND LEASING.—

7 “(1) LEASING SCHEDULE FOR OFFSHORE WIND
8 ENERGY GENERATION.—

9 “(A) IN GENERAL.—The Secretary, in ac-
10 cordance with paragraph (2), shall publish, pe-
11 riodically update, and issue public notice and
12 provide an opportunity for comment with re-
13 spect to, a 5-year schedule of planning areas in
14 which an offshore wind energy area may be
15 available for leasing in the future for purposes
16 of offshore wind energy generation.

17 “(B) REQUIREMENTS.—A leasing schedule
18 published under subparagraph (A) shall—

19 “(i) be published in the Federal Reg-
20 ister;

21 “(ii) be informed by public comment,
22 for not less than 45 days, facilitated by the
23 designated stakeholder liaisons appointed
24 under paragraph (2)(A);

1 “(iii) be updated not less frequently
2 than once every 2 years;

3 “(iv) to the maximum extent prac-
4 ticable, indicate—

5 “(I) the timing of area identifica-
6 tion activities;

7 “(II) the timing of designation of
8 any area to be leased within the appli-
9 cable planning area; and

10 “(III) the timing of each lease
11 sale;

12 “(v) provide an update on the status
13 of each existing offshore wind energy area;
14 and

15 “(vi) to the maximum extent prac-
16 ticable, comply with all rules and regula-
17 tions (including rules and regulations pro-
18 posed as of the date of enactment of this
19 clause, rules and regulations in effect on
20 the date of enactment of this clause, and
21 successor rules and regulations).

22 “(2) STAKEHOLDER LIAISONS.—

23 “(A) IN GENERAL.—For each planning
24 area identified in a lease schedule published
25 under paragraph (1)(A) or for each research

1 lease granted by the Bureau of Ocean Energy
2 Management, the Secretary and the Adminis-
3 trator shall each appoint a designated stake-
4 holder liaison to conduct outreach to potentially
5 affected stakeholder groups, including—

6 “(i) States;

7 “(ii) local communities;

8 “(iii) fishermen;

9 “(iv) Indian Tribes and Tribal organi-
10 zations; and

11 “(v) other potentially affected stake-
12 holders, as determined by the Secretary
13 and the Administrator.

14 “(B) DISCONTINUANCE.—For each plan-
15 ning area identified in a lease schedule pub-
16 lished under paragraph (1)(A), the Secretary
17 and the Administrator may discontinue a des-
18 ignated stakeholder liaison if, following a re-
19 quest for information and call for interest, there
20 is no commercial interest in offshore wind in
21 the applicable planning area.

22 “(3) PLANNING AREA IMPACT STUDY.—

23 “(A) IN GENERAL.—Before the issuance of
24 a request for information and call for interest
25 for a planning area identified in a lease sched-

1 ule published under paragraph (1)(A), the Sec-
2 retary shall conduct a planning area impact
3 study to evaluate the cumulative impact on the
4 human, marine, and coastal environments of
5 the development of wind energy in that plan-
6 ning area, in order to inform the identification
7 of draft offshore wind energy areas in that
8 planning area.

9 “(B) CONSIDERATIONS.—In carrying out a
10 planning area impact study under subparagraph
11 (A), the Secretary may—

12 “(i) assess the compatibility of devel-
13 opment of offshore wind energy in the ap-
14 plicable area with regional and State cli-
15 mate, energy, conservation, and coastal
16 management planning;

17 “(ii) use information from available
18 assessments from the National Oceanic
19 and Atmospheric Administration, such as
20 integrated ecosystem management assess-
21 ments; and

22 “(iii) identify areas for which there is
23 insufficient science, mapping, and data.

24 “(C) METHODS.—In carrying out a study
25 described in subparagraph (A), the Secretary

1 shall incorporate and use the best available ex-
2 isting science and data, including, at a min-
3 imum, appropriate spatial suitability models
4 such as the spatial suitability model developed
5 by the National Centers for Coastal Ocean
6 Science of the National Oceanic and Atmos-
7 pheric Administration.

8 “(D) USE OF DATA AND ASSESSMENTS.—

9 “(i) IN GENERAL.—The Secretary
10 shall use the data and assessments from
11 planning area impact studies conducted
12 under this paragraph in determining—

13 “(I) which portions of an area or
14 region are most appropriate to make
15 available for leasing; and

16 “(II) whether to issue any permit
17 or other authorization that is nec-
18 essary to carry out an offshore wind
19 project.

20 “(ii) OTHER AGENCIES.—To the ex-
21 tent practicable and as applicable, other
22 Federal agencies shall use the data and as-
23 sessments from planning area impact stud-
24 ies conducted under this paragraph in
25 making permitting decisions.

1 “(E) NEPA APPLICABILITY.—A study
2 conducted by the Secretary under this sub-
3 section shall not be considered a major Federal
4 action.

5 “(F) STUDY DURATION.—A planning area
6 impact study conducted under subparagraph
7 (A) shall be completed in not more than 18
8 months.

9 “(4) GRANTS FOR CAPACITY BUILDING AND
10 COMMUNITY ENGAGEMENT.—

11 “(A) IN GENERAL.—On commencement of
12 a planning area impact study under paragraph
13 (3), the Secretary, in collaboration with the Ad-
14 ministrator of the National Oceanic and Atmos-
15 pheric Administration, may award capacity
16 grants to relevant individuals and entities in the
17 applicable region to enhance engagement oppor-
18 tunities related to environmental reviews and
19 permitting activities.

20 “(B) PURPOSES.—Grants awarded under
21 this subsection shall be for—

22 “(i) enabling States, Indian Tribes,
23 Tribal organizations, fishermen, and non-
24 profit associations that represent the fish-
25 ing industry or other potentially affected

1 ocean users to compile data, conduct anal-
2 yses, educate stakeholders, and complete
3 other activities relating to offshore wind
4 environmental reviews, permits, and con-
5 sultations;

6 “(ii) engaging in planning activities
7 and in the development of offshore wind
8 for the purposes of—

9 “(I) determining potential eco-
10 nomic, social, public health, cultural,
11 and environmental impacts; and

12 “(II) identifying opportunities to
13 mitigate those potentially negative im-
14 pacts;

15 “(iii) facilitating wind energy siting;
16 and

17 “(iv) training, hiring of personnel,
18 and other activities designed to increase
19 the capacity of States, Indian Tribes, Trib-
20 al organizations, and nonprofit associa-
21 tions, as applicable, to carry out activities
22 described in clauses (i) through (iii).

23 “(C) CAPACITY GRANT FUNDING.—There
24 are authorized to be appropriated to the Sec-

1 retary to carry out this paragraph \$25,000,000
2 for each of fiscal years 2024 through 2028.

3 “(5) IDENTIFICATION OF DRAFT WIND ENERGY
4 AREAS.—

5 “(A) IN GENERAL.—Taking into account
6 the results of public and stakeholder engage-
7 ment under paragraph (2), any applicable plan-
8 ning area impact study under paragraph (3),
9 and any community engagement under para-
10 graph (4), the Secretary may identify an area
11 as a draft offshore wind energy area.

12 “(B) FACTORS FOR CONSIDERATION.—In
13 identifying draft offshore wind energy areas
14 under subparagraph (A), the Secretary shall
15 consider—

16 “(i) potential power capacity;

17 “(ii) commercial viability;

18 “(iii) existing and future transmission
19 availability and capacity;

20 “(iv) conflicts with other potential
21 ocean uses and users; and

22 “(v) the requirements under section
23 8(p)(4).

24 “(C) COLLABORATION.—For purposes re-
25 lating to the identification of draft offshore

1 wind energy areas, the Secretary and the Ad-
2 ministrator shall—

3 “(i) engage potentially affected stake-
4 holder groups identified under paragraph
5 (2)(A); and

6 “(ii) collaborate with—

7 “(I) relevant Intergovernmental
8 Renewable Energy Task Forces estab-
9 lished by the Secretary;

10 “(II) any relevant regional ocean
11 partnerships;

12 “(III) fishery management coun-
13 cils; and

14 “(IV) interstate fisheries commis-
15 sions.

16 “(6) COEXISTENCE FUND.—Activities described
17 in subsection (a)(1) of section 204 of the Create Off-
18 shore Leadership and Livelihood Alignment By Op-
19 erating Responsibly And Together for the Environ-
20 ment Act that are carried out in a planning area for
21 which a leasing schedule is published under para-
22 graph (1)(A) shall be eligible for funding provided
23 from the offshore wind and fisheries coexistence
24 fund established under that section.”.

1 **SEC. 112. OFFSHORE WIND LEASE AUCTIONS.**

2 (a) IN GENERAL.—In awarding a offshore wind lease
3 under section 8(p) of the Outer Continental Shelf Lands
4 Act (43 U.S.C. 1337(p)), the Secretary may, in addition
5 to setting the bidding credit amount, consider non mone-
6 tary factors and commitments made by the bidder—

7 (1) to support or increase access to registered
8 apprenticeship programs and pre-apprenticeship pro-
9 grams that have an articulation agreement with a
10 registered apprenticeship program for offshore wind
11 energy projects;

12 (2) to support development of domestic supply
13 chains for offshore wind projects, including develop-
14 ment of ports and other energy infrastructure nec-
15 essary to facilitate offshore wind energy projects;

16 (3) to establish a community benefit agreement
17 with one or more community or stakeholder groups
18 that may be potentially impacted by a proposed
19 project, which may include eligible entities (as deter-
20 mined by the Secretary);

21 (4) to make investments to evaluate, monitor,
22 improve, and mitigate impacts to the health and bio-
23 diversity of ecosystems and wildlife within the leased
24 area, to include nearby ecosystems and wildlife that
25 could be impacted by the proposed offshore wind en-
26 ergy project;

1 “(E) coordination with relevant Federal
2 agencies and State, Tribal, and local govern-
3 ments;

4 “(F) the protection of the national security
5 interests of the United States, including energy
6 independence;

7 “(G) the protection of correlative rights in
8 the outer Continental Shelf;

9 “(H) a fair return to the United States for
10 any lease, easement, or right-of-way under this
11 subsection;

12 “(I) the reasonable use of the exclusive
13 economic zone, the high seas, and the territorial
14 seas, as determined by the Secretary;

15 “(J) consideration of—

16 “(i) the location of, and any schedule
17 relating to, a lease, easement, or right-of-
18 way for an area of the outer Continental
19 Shelf; and

20 “(ii) any other use of the sea or sea-
21 bed, including use for a fishery, a sealane,
22 a potential site of a deepwater port, or
23 navigation;

1 “(K) public notice and comment on any
2 proposal submitted for a lease, easement, or
3 right-of-way under this subsection;

4 “(L) the oversight, inspection, research,
5 monitoring, and enforcement relating to a lease,
6 easement, or right-of-way under this subsection;
7 and

8 “(M) the consideration of any applicable
9 Federal, State, and Tribal offshore wind energy
10 mandates, targets, and goals.”.

11 (d) **PROJECT MANAGER.**—For each offshore wind
12 project within a lease awarded under this section, the Sec-
13 retary, the Administrator, and the Secretary of the Army,
14 acting through the Chief of Engineers, shall each assign
15 a designated project manager to oversee the offshore wind
16 project from the point of award through the construction
17 process.

18 (e) **SITE CONTROL.**—The offshore wind lease holder
19 under this section shall be considered to have site control
20 for purposes of submitting a request to interconnect an
21 offshore wind generation facility in an interconnection
22 queue.

1 **SEC. 113. OFFSHORE WIND PERMITTING AND AUTHORIZA-**
2 **TIONS.**

3 (a) CONSTRUCTION AND OPERATIONS PLAN RE-
4 QUIREMENTS.—The Secretary shall require a construction
5 and operations plan for an offshore wind energy genera-
6 tion project submitted for review and approval under the
7 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
8 seq.), to include—

9 (1) a list of—

10 (A) all agencies that the applicant con-
11 sulted with prior to submission of the construc-
12 tion and operations plan, such as—

13 (i) the Military Aviation and Installa-
14 tion Assurance Siting Clearinghouse of the
15 Department of Defense;

16 (ii) the National Oceanic and Atmos-
17 pheric Administration;

18 (iii) the United States Fish and Wild-
19 life Service;

20 (iv) the Coast Guard;

21 (v) the Corps of Engineers;

22 (vi) the National Park Service; and

23 (vii) affected State government agen-
24 cies;

25 (B) agency points of contact for each agen-
26 cy listed pursuant to subparagraph (A);

1 (C) the dates of meetings with any agen-
2 cies listed pursuant to subparagraph (A);

3 (D) the outcomes of the meetings listed
4 pursuant to subparagraph (C); and

5 (E) all Federal, State, Tribal, and local
6 authorizations, approvals, consultations, or per-
7 mits required to conduct the proposed activities;

8 (2) a list cataloguing outreach to potentially af-
9 fected stakeholders;

10 (3) feedback received from potentially affected
11 stakeholders;

12 (4) a notation as to what stakeholder feedback
13 was incorporated into the plan and an explanation
14 for feedback not incorporated; and

15 (5) any other requirements, as determined by
16 the Secretary.

17 (b) MEETINGS.—

18 (1) IN GENERAL.—For a construction and oper-
19 ations plan for an offshore wind energy generation
20 project submitted under subsection (a), the Sec-
21 retary shall conduct, at a minimum—

22 (A) a preliminary project design meeting,
23 in accordance with paragraph (2);

24 (B) a pre-notice of intent meeting, in ac-
25 cordance with paragraph (3); and

1 (C) a pre-notice of intent initial identifica-
2 tion of alternatives meeting, in accordance with
3 paragraph (4).

4 (2) PRELIMINARY PROJECT DESIGN MEET-
5 ING.—

6 (A) OBJECTIVES.—For a construction and
7 operations plan for an offshore wind energy
8 generation project submitted under subsection
9 (a), the preliminary project design meeting re-
10 quired under paragraph (1)(A) shall—

11 (i) identify factors influencing layout,
12 including—

13 (I) wind resources;

14 (II) vessel traffic;

15 (III) potential areas to avoid; and

16 (IV) other factors, as determined
17 by the Secretary;

18 (ii) begin identification of deconflicted
19 cable routes and landfalls;

20 (iii) identify issues related to—

21 (I) parklands, including sites for
22 which amounts from the Land and
23 Water Conservation Fund are made
24 available, special use permits, and
25 rights-of-way;

1 (II) special aquatic sites, includ-
2 ing wetlands and submerged aquatic
3 vegetation;

4 (III) projects subject to section
5 14 of the Act of March 3, 1899 (30
6 Stat. 1152, chapter 425; 33 U.S.C.
7 408);

8 (IV) essential fish habitat;

9 (V) protected species;

10 (VI) navigation aids and re-
11 sources; and

12 (VII) marine minerals; and

13 (iv) discuss factors that inform project
14 design envelope development, and potential
15 avoidance, minimization, and mitigation
16 measures.

17 (B) TIMELINE.—

18 (i) IN GENERAL.—The preliminary
19 project design meeting required under
20 paragraph (1)(A) shall be held not later
21 than 180 days before the date on which
22 the construction and operations plan is to
23 be submitted.

24 (ii) REPLY.—Not later than 15 days
25 after receiving a request to conduct the

1 preliminary project design meeting re-
2 quired under paragraph (1)(A), the Sec-
3 retary shall reply to the applicant with op-
4 tions for the meeting date.

5 (C) ADDITIONAL GUIDANCE.—The Sec-
6 retary shall provide additional guidance for the
7 preliminary project design meeting required
8 under paragraph (1)(A), to include—

9 (i) participants in the preliminary
10 project design meeting from Federal agen-
11 cies;

12 (ii) additional participants in the pre-
13 liminary project design meeting;

14 (iii) materials to be prepared by the
15 applicant;

16 (iv) information to be given to the ap-
17 plicant; and

18 (v) other guidance, as determined by
19 the Secretary.

20 (3) PRE-NOI MEETING.—

21 (A) OBJECTIVES.—For a construction and
22 operations plan for an offshore wind energy
23 generation project submitted under subsection
24 (a), the pre-notice of intent meeting required
25 under paragraph (1)(B) shall—

1 (i) identify any unresolved issues that
2 could impact the notice of intent or cause
3 project delays after the notice of intent is
4 issued;

5 (ii) identify the availability of remain-
6 ing information needed for authorizations
7 and consultations; and

8 (iii) establish efficient and effective
9 environmental review, consultations, and
10 agency authorization decisions.

11 (B) TIMELINE.—

12 (i) IN GENERAL.—The pre-notice of
13 intent meeting required under paragraph
14 (1)(B) shall be held not later than 90 days
15 before the scheduled notice of intent date.

16 (ii) REPLY.—Not later than 15 days
17 after receiving a request to conduct the
18 pre-notice of intent meeting required under
19 paragraph (1)(B), the Secretary shall reply
20 to the applicant with options for the meet-
21 ing date.

22 (C) ADDITIONAL GUIDANCE.—The Sec-
23 retary shall provide additional guidance for the
24 pre-notice of intent meeting required under
25 paragraph (1)(B), to include—

- 1 (i) participants in the pre-notice of in-
2 tent meeting from Federal agencies;
- 3 (ii) additional participants in the pre-
4 notice of intent meeting;
- 5 (iii) materials to be prepared by the
6 applicant;
- 7 (iv) information to be given to the ap-
8 plicant; and
- 9 (v) other guidance, as determined by
10 the Secretary.

11 (4) PRE-NOI INITIAL IDENTIFICATION OF AL-
12 TERNATIVES MEETING.—

13 (A) OBJECTIVES.—For a construction and
14 operations plan for an offshore wind energy
15 generation project submitted under subsection
16 (a), the pre-notice of intent initial identification
17 of alternatives meeting required under para-
18 graph (1)(C) shall—

- 19 (i) discuss areas of concern and po-
20 tential project modifications to guide pre-
21 liminary alternatives for consideration
22 ahead of the scoping period;
- 23 (ii) discuss any outstanding informa-
24 tion that may be necessary to support de-

1 development of alternatives for the draft en-
2 vironmental impact statement;

3 (iii) begin application of screening cri-
4 teria to the preliminary alternatives;

5 (iv) support the identification of alter-
6 natives to be analyzed in detail, including
7 alternatives considered by not carried for-
8 ward; and

9 (v) identify other possible design
10 modifications and mitigations that may ad-
11 dress the root concern leading to the devel-
12 opment of an initial alternative.

13 (B) ADDITIONAL GUIDANCE.—The Sec-
14 retary shall provide additional guidance for the
15 pre-notice of intent identification of alternatives
16 meeting required under paragraph (1)(C), to in-
17 clude—

18 (i) participants in the pre-notice of in-
19 tent identification of alternatives meeting
20 from Federal agencies;

21 (ii) additional participants in the pre-
22 notice of intent identification of alter-
23 natives meeting;

24 (iii) a timeline for completion of the
25 meeting;

1 (iv) materials to be prepared by the
2 applicant;

3 (v) information to be given to the ap-
4 plicant; and

5 (vi) other guidance, as determined by
6 the Secretary.

7 (c) OUTSTANDING AGENCY AUTHORIZATIONS.—All
8 participating agencies shall issue a decision on all out-
9 standing permits not later than 150 days after the Sec-
10 retary issues the applicable record of decision.

11 (d) COASTAL ZONE MANAGEMENT ACT REVIEW.—
12 State review under the Coastal Zone Management Act of
13 1972 (16 U.S.C. 1451 et seq.) shall commence as soon
14 as practicable after the Secretary issues a draft environ-
15 mental impact statement.

16 **Subtitle B—Offshore Wind** 17 **Transmission**

18 **SEC. 121. OFFSHORE WIND TRANSMISSION RESEARCH AND** 19 **DEVELOPMENT.**

20 (a) VOLUNTARY DESIGN STANDARDS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Secretary of
23 Energy (referred to in this section as the “Sec-
24 retary”) shall initiate the development of rec-
25 ommended network-ready design standards for off-

1 shore high-voltage alternating current and high-volt-
2 age direct current equipment for voluntary adoption
3 and use by States.

4 (2) COORDINATION.—In developing rec-
5 ommended network-ready design standards under
6 paragraph (1), the Secretary shall coordinate with—

7 (A) the North American Electric Reli-
8 ability Corporation;

9 (B) the Federal Energy Regulatory Com-
10 mission;

11 (C) the Bureau of Ocean Energy Manage-
12 ment;

13 (D) other relevant Federal agencies, as the
14 Secretary determines to be appropriate; and

15 (E) the Institute of Electrical and Elec-
16 tronic Engineers.

17 (b) INTEROPERABILITY OF OFFSHORE TRANS-
18 MISSION INFRASTRUCTURE.—

19 (1) STUDY.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall
21 conduct, and publish on the website of the Depart-
22 ment of Energy a report describing the results of, a
23 study that assesses the need to, and challenges of,
24 developing and standardizing interoperable equip-

1 ment and systems in support of shared offshore
2 transmission networks, including—

3 (A) technology costs;

4 (B) timelines for development;

5 (C) weight of equipment; and

6 (D) compatibility of the technologies with
7 fixed and floating offshore generation facilities.

8 (2) RECOMMENDATIONS.—

9 (A) DEFINITION OF SEAM.—In this para-
10 graph, the term “seam” means a shared geo-
11 graphic or economic boundary between—

12 (i) an onshore electric energy trans-
13 mission system and an offshore electric en-
14 ergy transmission system; or

15 (ii) 2 or more offshore wind energy
16 projects.

17 (B) INTEROPERABILITY ACROSS SEAMS.—

18 The study under paragraph (1) may include
19 recommendations for Congress, State, Tribal,
20 and local governments, manufacturers of elec-
21 tric grid components, systems, and technologies,
22 Regional Transmission Organizations (as de-
23 fined in section 3 of the Federal Power Act (16
24 U.S.C. 796)), Independent System Operators
25 (as defined in that section), transmission plan-

1 ning regions (as defined by the Federal Energy
2 Regulatory Commission), offshore renewable en-
3 ergy project developers, and appropriate stand-
4 ards organizations to help ensure interoper-
5 ability across seams.

6 (3) INDUSTRY SURVEY.—The Secretary shall
7 conduct, and use to inform the study under para-
8 graph (1), an industry survey that—

9 (A) identifies any existing relevant inter-
10 operability standards; and

11 (B) reviews common offshore wind trans-
12 mission equipment ratings to identify gaps and
13 issues of incompatibility.

14 (4) INTEROPERABILITY STANDARD DEVELOP-
15 MENT PROGRAM.—

16 (A) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this Act, the Sec-
18 retary shall establish and implement a program
19 (referred to in this paragraph as the “pro-
20 gram”) to identify, develop, support, and docu-
21 ment a standard for the interoperability of elec-
22 tric grid components, systems, and technologies
23 to accelerate the implementation and delivery of
24 electricity generated by offshore renewable en-

1 energy projects through shared transmission in-
2 frastructure.

3 (B) GOALS.—The goals of developing an
4 interoperability standard under the program
5 shall be—

6 (i) to hasten adoption of shared trans-
7 mission infrastructure for offshore elec-
8 tricity generation by encouraging coopera-
9 tion among manufacturers of electric grid
10 components, systems, or technologies, for
11 the purposes of—

12 (I) maximizing interoperability
13 among the systems, products, tools,
14 and applications of those manufactur-
15 ers;

16 (II) reducing offshore renewable
17 energy project delays and cost over-
18 runs;

19 (III) managing power grid com-
20 plexity; and

21 (IV) enhancing grid resilience,
22 reliability, and cybersecurity; and

23 (ii) to establish technical baseline re-
24 quirements to effectively and securely
25 measure, monitor, control, and protect

1 electricity generation and transmission in-
2 frastructure from the point of generation
3 to the control center.

4 (C) FINANCIAL ASSISTANCE.—In carrying
5 out the program, the Secretary may provide fi-
6 nancial assistance to eligible entities (as deter-
7 mined by the Secretary) to carry out activities
8 that—

9 (i) engage equipment manufacturers
10 and industry stakeholders in collaborative
11 platforms, including workshops and fo-
12 rums;

13 (ii) identify current challenges and
14 propose solutions to improve interoper-
15 ability; and

16 (iii) develop an industry interoper-
17 ability standard that meets the goals de-
18 scribed in subparagraph (B) for voluntary
19 implementation.

20 (D) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There is authorized to be appropriated
22 to the Secretary to carry out the program
23 \$5,000,000 for fiscal year 2024, to remain
24 available until expended.

1 (c) CENTER OF EXCELLENCE FOR MULTITERMINAL
2 HIGH-VOLTAGE DIRECT CURRENT TESTING AND CER-
3 TIFICATION.—

4 (1) IN GENERAL.—Not later than 270 days
5 after the date of enactment of this Act, the Sec-
6 retary shall establish, as a public-private partnership
7 between a National Laboratory and 1 or more mem-
8 bers of the offshore wind industry, a center, to be
9 known as the “Center of Excellence for Multiter-
10 minal High-Voltage Direct Current Testing and Cer-
11 tification”—

12 (A) to test—

13 (i) high-voltage direct current compo-
14 nents; and

15 (ii) interactions—

16 (I) between high-voltage direct
17 current components from different
18 equipment manufacturers; and

19 (II) between high-voltage direct
20 current components and alternating
21 current devices; and

22 (B) to ensure the compatibility of different
23 devices before installation.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 this subsection \$100,000,000 for fiscal year 2024, to
2 remain available until expended.

3 (d) OFFSHORE WIND TRANSMISSION RESEARCH AND
4 DEVELOPMENT.—

5 (1) IN GENERAL.—Not later than 270 days
6 after the date of enactment of this Act, the Sec-
7 retary shall establish a program for, or modify an
8 existing program to include, the research, develop-
9 ment, demonstration, and deployment of [offshore
10 wind transmission] technology, including with re-
11 spect to—

12 (A) high-voltage direct current technology;

13 (B) offshore transmission, including float-
14 ing transmission components;

15 (C) transmission optimization through
16 grid-enhancing technologies; and

17 (D) capabilities of inverter-based resources,
18 including to increase the reliability and resil-
19 ience of offshore and onshore transmission and
20 the needed models, data, and tools.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated to the Sec-
23 retary to carry out the program established under
24 paragraph (1) \$100,000,000 for each of fiscal years
25 2024 through 2028.

1 **SEC. 122. OFFSHORE WIND TRANSMISSION PLANNING.**

2 (a) IDENTIFICATION OF PREFERRED ROUTES.—

3 (1) INITIAL IDENTIFICATION.—Not later than 2
4 years after the date of enactment of this Act, the
5 Secretary and the Secretary of Energy (referred to
6 in this section as the “Secretaries”), in coordination
7 with the applicable Offshore Wind Transmission
8 Task Force (as defined in section 103(a)) and rel-
9 evant Federal agencies involved in the permitting of
10 offshore wind generation facilities and offshore wind
11 transmission facilities, shall identify preferred routes
12 (including existing routes), in Federal waters, for
13 transmission cables and sub-seabed infrastructure—

14 (A) between offshore wind generation fa-
15 cilities; and

16 (B) between offshore wind generation fa-
17 cilities and potential interconnections with on-
18 shore electric grids.

19 (2) PERIODIC REVIEW.—Not less frequently
20 than once every 3 years after the initial identifica-
21 tion of preferred routes in accordance with para-
22 graph (1), the Secretaries, in coordination with the
23 applicable Offshore Wind Transmission Task Force
24 (as defined in section 103(a)) and relevant Federal
25 agencies involved in the permitting of offshore wind

1 generation facilities and offshore wind transmission
2 facilities, shall—

3 (A) determine whether additional preferred
4 routes are needed; and

5 (B) if applicable, identify any additional
6 preferred routes.

7 (b) CONSIDERATIONS.—

8 (1) IN GENERAL.—In identifying preferred
9 routes under subsection (a), the Secretaries shall
10 take into account—

11 (A) existing rights-of-way and existing sub-
12 seabed infrastructure;

13 (B) the optimal points of interconnection
14 between offshore wind generation facilities and
15 onshore electric grids; and

16 (C) impacts on the marine environment,
17 including critical habitats or protected areas,
18 marine organisms, including protected or en-
19 dangered species, and other ocean users, includ-
20 ing fisheries.

21 (2) PLANNING AREA STUDIES.—Not later than
22 1 year after the date of enactment of this Act, and
23 every 3 years thereafter for so long as the Secretary
24 is developing new lease areas for offshore wind de-
25 velopment for the applicable planning area, the Sec-

1 retary of Energy, in coordination with the Secretary,
2 shall conduct 1 or more planning area studies for
3 that planning area to determine the optimal loca-
4 tions for transmission cables in networked and
5 backboned topologies, which shall inform the identi-
6 fication of preferred routes under subsection (a).

7 (3) CONSIDERATION OF NREL STUDY.—In iden-
8 tifying preferred routes under subsection (a), the
9 Secretaries shall take into account any applicable
10 findings from the Atlantic Offshore Wind Trans-
11 mission Study carried out by the National Renew-
12 able Energy Laboratory of the Department of En-
13 ergy.

14 (c) DESIGNATION OF OFFSHORE WIND TRANS-
15 MISSION CORRIDORS.—

16 (1) DESIGNATION.—The Secretary of Energy
17 shall designate each preferred route identified under
18 subsection (a) as an “Offshore Wind Transmission
19 Corridor”.

20 (2) EFFECT OF DESIGNATION.—

21 (A) ELIGIBILITY FOR NIETC FUNDING.—

22 (i) DEFINITION OF NATIONAL INTER-
23 EST ELECTRIC TRANSMISSION COR-
24 RIDOR.—In this subparagraph, the term
25 “national interest electric transmission cor-

1 ridor” means a national interest electric
2 transmission corridor designated by the
3 Secretary of Energy under section 216(a)
4 of the Federal Power Act (16 U.S.C.
5 824p(a)).

6 (ii) ELIGIBILITY FOR ASSISTANCE.—
7 Notwithstanding any other provision of
8 law, including section 216(a) the Federal
9 Power Act (16 U.S.C. 824p(a))—

10 (I) an Offshore Wind Trans-
11 mission Corridor designated under
12 paragraph (1) shall be considered to
13 be a national interest electric trans-
14 mission corridor for purposes of any
15 law under which the Secretary of En-
16 ergy may provide financial or other
17 assistance for a national interest elec-
18 tric transmission corridor or a facility
19 within a national interest electric
20 transmission corridor; and

21 (II) pursuant to subclause (I), an
22 Offshore Wind Transmission Corridor
23 designated under paragraph (1), and
24 any transmission cable or other off-
25 shore wind transmission facility lo-

1 cated within an Offshore Wind Trans-
2 mission Corridor, shall be eligible for
3 financial and other assistance pro-
4 vided by the Secretary of Energy, in-
5 cluding a direct loan or loan guar-
6 antee under section 50151 of Public
7 Law 117–169 (commonly known as
8 the “Inflation Reduction Act of
9 2022”) (42 U.S.C. 18715), to the
10 same extent as a national interest
11 electric transmission corridor or facil-
12 ity within a national interest electric
13 transmission corridor, as applicable.

14 (iii) SAVINGS PROVISION.—Clause (ii)
15 does not—

16 (I) alter or otherwise affect—

17 (aa) the authority of the
18 Federal Energy Regulatory Com-
19 mission under section 216(b) of
20 the Federal Power Act (16
21 U.S.C. 824p(b)) (commonly
22 known as the “backstop siting
23 authority” of the Commission);

24 (bb) the authority of the
25 Secretary of Energy under sub-

1 section (a) or (h) of section 216
2 of that Act (16 U.S.C. 824p); or
3 (cc) any other authority of a
4 Federal, State, local, or Tribal
5 agency or authority, or interstate
6 compact, with respect to a na-
7 tional interest electric trans-
8 mission corridor; or

9 (II) render an Offshore Wind
10 Transmission Corridor subject to any
11 authority described in subclause (I).

12 (B) TRANSMISSION FACILITATION PRO-
13 GRAM.—Notwithstanding any other provision of
14 law, a transmission cable in an Offshore Wind
15 Transmission Corridor designated under para-
16 graph (1) shall be considered to be an eligible
17 electric power transmission line (as defined in
18 section 40106(a) of the Infrastructure Invest-
19 ment and Jobs Act (42 U.S.C. 18713)) for pur-
20 poses of that section.

21 (C) DOE PROGRAM TO FUND SURVEY
22 WORK.—

23 (i) IN GENERAL.—Not later than 1
24 year after the date of enactment of this
25 Act, the Secretary of Energy shall estab-

1 lish a program to provide funding for
2 geotechnical and geophysical survey[s
3 and] marine resource assessments relating
4 to the siting of transmission cables or
5 other offshore wind transmission facilities
6 proposed to be located within an Offshore
7 Wind Transmission Corridor.

8 (ii) REQUIREMENT.—Funds provided
9 under the program established under
10 clause (i) shall be used for geotechnical
11 and geophysical survey work to determine
12 the suitability of 1 or more locations, in-
13 cluding any potential route, for a trans-
14 mission cable or other offshore wind trans-
15 mission facility within the applicable Off-
16 shore Wind Transmission Corridor.

17 (iii) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There is authorized to be appro-
19 priated to the Secretary of Energy to carry
20 out this subsection [\$_____] for
21 each of fiscal years [_____] through
22 [_____].

1 **SEC. 123. OFFSHORE WIND TRANSMISSION SITING, PERMIT-**
2 **TING, AND AUTHORIZATIONS.**

3 (a) LEAD AGENCY.—Notwithstanding any other pro-
4 vision of law, the Bureau of Ocean Energy Management
5 shall be the lead agency for purposes of offshore wind
6 transmission permitting and authorizations on the outer
7 Continental Shelf.

8 (b) RULEMAKING.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this Act, the Sec-
11 retary, in coordination with other relevant Federal
12 agencies, shall issue, pursuant to section 5 of the
13 Outer Continental Shelf Lands Act (43 U.S.C.
14 1334), a final rule relating to offshore wind trans-
15 mission permitting.

16 (2) CONSIDERATIONS.—In carrying out para-
17 graph (1), the Secretary shall consider—

18 (A) establishing 1 or more procedures for
19 soliciting information about existing and poten-
20 tial rights-of-way;

21 (B) establishing a process for determining
22 interest in the use of 1 or more rights-of-way,
23 including backboned or meshed rights-of-way;

24 (C) establishing a process for the issuance
25 of rights-of-way, on a competitive or non-
26 competitive basis, as appropriate, which may in-

1 clude consideration of whether a developer
2 has—

3 (i) an award from a State via a com-
4 petitive process; or

5 (ii) an existing agreement to inter-
6 connect a transmission project;

7 (D) any requirements relating to environ-
8 mental reviews for—

9 (i) independent transmission projects;

10 and

11 (ii) transmission projects within exist-
12 ing rights-of-way; and

13 (E) [_____].

14 **SEC. 124. RELIABILITY STANDARDS FOR OFFSHORE TRANS-**
15 **MISSION.**

16 (a) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Energy Regulatory Commission.

19 (2) RELIABILITY STANDARD.—The term “reli-
20 ability standard” has the meaning given the term in
21 section 215(a) of the Federal Power Act (16 U.S.C.
22 824o(a)).

23 (b) REQUIREMENT.—[Not later than
24 _____,] the Commission, in accordance with sec-
25 tion 215(d)(5) of the Federal Power Act (16 U.S.C.

1 824o(d)(5)), shall order the North American Electric Reli-
2 ability Corporation to file with the Commission a reli-
3 ability standard relating to offshore transmission that
4 evaluates and, as necessary, provides clarity with respect
5 to—

6 (1) credible multiple contingencies of subsea ca-
7 bles within a common corridor;

8 (2) credible multiple contingencies of high-volt-
9 age direct current bipole topologies with dedicated
10 metallic return; and

11 (3) generator definitions for large distributed
12 energy generation plans composed of multiple indi-
13 vidual generators within planning contingency stand-
14 ards.

15 **SEC. 125. INCLUSION OF OFFSHORE WIND ENERGY IN**
16 **INTERREGIONAL TRANSMISSION PLANNING.**

17 (a) IN GENERAL.—With respect to any interregional
18 transmission planning described in subsection (b), and any
19 rulemaking relating to that interregional transmission
20 planning, the Federal Energy Regulatory Commission (re-
21 ferred to in this section as the “Commission”) shall con-
22 sider, or require the consideration of—

23 (1) multivalued cost allocation methodologies
24 that consider the economic, reliability, and public
25 policy benefits of a networked transmission system

1 that incorporates offshore wind generation and
2 transmission; and

3 (2) the reliability, resilience, and resource ade-
4 quacy effects of integrating offshore wind into trans-
5 mission systems.

6 (b) INTERREGIONAL TRANSMISSION PLANNING DE-
7 SCRIBED.—The interregional transmission planning re-
8 ferred to in subsection (a) is any interregional trans-
9 mission planning that—

10 (1) is carried out by the Commission; or

11 (2) the Commission requires to be carried out
12 by—

13 (A) transmission planning regions (as de-
14 fined by the Commission);

15 (B) Regional Transmission Organizations
16 (as defined in section 3 of the Federal Power
17 Act (16 U.S.C. 796));

18 (C) Independent System Operators (as de-
19 fined in that section); or

20 (D) any combination of regions or entities
21 described in subparagraphs (A) through (C).

1 **SEC. 126. COASTAL STATE INTEGRATION OF OFFSHORE**
2 **WIND ENERGY.**

3 (a) IN GENERAL.—Section 111(d) of the Public Util-
4 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
5 is amended by adding at the end the following:

6 “(22) OFFSHORE WIND INTEGRATION.—

7 “(A) DEFINITION OF COASTAL STATE.—In
8 this paragraph, the term ‘coastal State’ has the
9 meaning given the term ‘coastal state’ in sec-
10 tion 304 of the Coastal Zone Management Act
11 of 1972 (16 U.S.C. 1453).

12 “(B) INCORPORATION OF OFFSHORE WIND
13 ENERGY.—Each coastal State shall—

14 “(i) consider how to incorporate off-
15 shore wind generation and transmission
16 into the distribution system of the coastal
17 State, including—

18 “(I) the optimal points of inter-
19 connection, including consideration
20 of—

21 “(aa) any Offshore Wind
22 Transmission Corridors des-
23 igned under section 122(c)(1)
24 of the Create Offshore Leader-
25 ship and Livelihood Alignment
26 By Operating Responsibly And

1 Together for the Environment
2 Act;

3 “(bb) any national interest
4 electric transmission corridors
5 designated under section 216(a)
6 of the Federal Power Act (16
7 U.S.C. 824p(a));

8 “(cc) existing or permitted
9 transmission lines; and

10 “(dd) the potential for retir-
11 ing or aged fossil fuel plants to
12 provide system capacity;

13 “(II) onshore upgrades to facili-
14 tate interconnection;

15 “(III) design standards to sup-
16 port a networked offshore trans-
17 mission system;

18 “(IV) any identified points of
19 interconnection in State transmission
20 solicitations for procurement; and

21 “(V) State policies and procure-
22 ment goals;

23 “(ii) modify integrated resource plans
24 to account for—

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1 “(I) the matters considered
2 under clause (i);

3 “(II) existing single-source con-
4 tingency limits;

5 “(III) the adoption of the stand-
6 ard published by the Institute of Elec-
7 trical and Electronic Engineers
8 Standards Association entitled ‘Stand-
9 ard for Interconnection and Interoper-
10 ability of Inverter-Based Resources
11 Interconnecting with Associated
12 Transmission Electric Power Systems’
13 and numbered IEEE 2800 in utility
14 interconnection requirements; and

15 “(IV) the use of grid-enhancing
16 technologies;

17 “(iii) establish design standards de-
18 scribed in clause (i)(III); and

19 “(iv) incorporate the consideration of
20 the matters described in clause (i) into
21 State planning processes relating to elec-
22 tric energy transmission and distribution.”.

23 (b) COMPLIANCE.—

1 (1) TIME LIMITATION.—Section 112(b) of the
2 Public Utility Regulatory Policies Act of 1978 (16
3 U.S.C. 2622(b)) is amended—

4 (A) in paragraph (8), by indenting sub-
5 paragraph (B) appropriately; and

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

7 “(9)(A) Not later than 1 year after the date of
8 enactment of this paragraph, with respect to each
9 coastal State (as defined in paragraph (22)(A) of
10 section 111(d)), each State regulatory authority
11 (with respect to each electric utility for which the
12 State has ratemaking authority) and each nonregu-
13 lated electric utility shall commence consideration
14 under section 111, or set a hearing date for consid-
15 eration, with respect to the standard established by
16 paragraph (22) of section 111(d).

17 “(B) Not later than 2 years after the date of enact-
18 ment of this paragraph, with respect to each coastal State
19 (as defined in paragraph (22)(A) of section 111(d)), each
20 State regulatory authority (with respect to each electric
21 utility for which the State has ratemaking authority), and
22 each nonregulated electric utility shall complete the con-
23 sideration and make the determination under section 111
24 with respect to the standard established by paragraph (22)
25 of section 111(d).”.

1 (2) FAILURE TO COMPLY.—Section 112(c) of
2 the Public Utility Regulatory Policies Act of 1978
3 (16 U.S.C. 2622(c)) is amended by adding at the
4 end the following: “In the case of the standard es-
5 tablished by paragraph (22) of section 111(d), the
6 reference contained in this subsection to the date of
7 enactment of this Act shall be deemed to be a ref-
8 erence to the date of enactment of that paragraph
9 (22).”.

10 (3) PRIOR STATE ACTIONS.—

11 (A) IN GENERAL.—Section 112 of the
12 Public Utility Regulatory Policies Act of 1978
13 (16 U.S.C. 2622) is amended—

14 (i) in subsection (h), in the subsection
15 heading, by striking “OTHER”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
19 (c) shall not apply to the standard established by para-
20 graph (22) of section 111(d) in the case of any electric
21 utility in a State if, before the date of enactment of this
22 subsection—

23 “(1) the State has implemented for the electric
24 utility the standard (or a comparable standard);

1 “(2) the State regulatory authority for the
2 State or the relevant nonregulated electric utility has
3 conducted a proceeding to consider implementation
4 of the standard (or a comparable standard) for the
5 electric utility; or

6 “(3) the State legislature has voted on the im-
7 plementation of the standard (or a comparable
8 standard) for the electric utility during the 3-year
9 period ending on that date of enactment.”.

10 (B) CROSS REFERENCE.—Section 124 of
11 the Public Utility Regulatory Policies Act of
12 1978 (16 U.S.C. 2634) is amended by adding
13 at the end the following: “In the case of the
14 standard established by paragraph (22) of sec-
15 tion 111(d), the reference contained in this sec-
16 tion to the date of enactment of this Act shall
17 be deemed to be a reference to the date of en-
18 actment of that paragraph (22).”.

19 **[(c) APPLICATION TO TERRITORIES AND FREELY**
20 **ASSOCIATED STATES.—]**

21 **[(1) IN GENERAL.—]**The requirements of sec-
22 tion 111(d)(22) and 112(b)(9) of the Public Utility
23 Regulatory Policies Act of 1978 (16 U.S.C.
24 2621(d)(22), 2622(b)(9)), and any related provisions
25 of that Act (as amended by paragraph (2), or sub-

1 paragraph (A)(ii) or (B) of paragraph (3), of sub-
2 section (b)), shall apply to each coastal State (as de-
3 fined in section 304 of the Coastal Zone Manage-
4 ment Act of 1972 (16 U.S.C. 1453)), including the
5 Federated States of Micronesia, the Republic of the
6 Marshall Islands, and the Republic of Palau, as if
7 those coastal States (as defined in that section) were
8 included in the definition of the term “State” in sec-
9 tion 3 of the Public Utility Regulatory Policies Act
10 of 1979 (16 U.S.C. 2602).】

11 (2) SAVINGS PROVISION.—Nothing in this sub-
12 section alters or otherwise affects the application of
13 any provision of the Public Utility Regulatory Poli-
14 cies Act of 1978 (16 U.S.C. 2601 et seq.) not added
15 or amended by—

16 (A) subsection (a);

17 (B) paragraph (1)(B) or (2) of subsection
18 (b); or

19 (C) subparagraph (A)(ii) or (B) of sub-
20 section (b)(3).

21 **Subtitle C—Miscellaneous**

22 **SEC. 131. JUDICIAL REVIEW.**

23 Section 23(c)(2) of the Outer Continental Shelf
24 Lands Act (43 U.S.C. 1349(c)(2)) is amended by inserting
25 “, or any final lease, easement, or right-of-way granted

1 pursuant to section 8(p)(1) (and any related final Federal
2 agency actions),” after “under this Act”.

3 **SEC. 132. APPLICATION.**

4 This title (including any amendments made by this
5 title) shall not apply to any project or activity initiated
6 or otherwise in progress, as determined by the Secretary,
7 as of the date of enactment of this Act, including—

8 (1) any construction and operations plan [being
9 prepared] or under review as of that date; and

10 (2) any lease sale planned or pending as of that
11 date.

12 **TITLE II—FISHERIES**

13 **SEC. 201. OFFSHORE WIND ENERGY FISHERIES COMPENSA-**
14 **TION FUND.**

15 The Outer Continental Shelf Lands Act (43 U.S.C.
16 1331 et seq.) is amended by adding at the end the fol-
17 lowing:

18 **“SEC. 34. OFFSHORE WIND ENERGY FISHERIES COMPENSA-**
19 **TION FUND.**

20 “(a) ESTABLISHMENT.—

21 “(1) IN GENERAL.—There is established in the
22 Treasury of the United States a fund, to be known
23 as the ‘Offshore Wind Energy Fisheries Compensa-
24 tion Fund’ (referred to in this section as the
25 ‘Fund’).

1 “(2) PURPOSE.—The Fund shall be available to
2 the Secretary of Commerce without fiscal year limi-
3 tation as a revolving fund for the purpose of making
4 payments to compensate eligible recipients for losses
5 caused by the planning, pre-construction survey,
6 construction, maintenance, operation, and decommis-
7 sioning of offshore wind energy projects on the outer
8 Continental Shelf.

9 “(3) FUND USE; RESOURCES.—The Fund
10 shall—

11 “(A) be used by the Secretary of Com-
12 merce to provide to eligible recipients payments
13 for claims described under subsection (c); and

14 “(B) consist of—

15 “(i) revenues received from invest-
16 ments made under paragraph (4); and

17 “(ii) amounts collected pursuant to
18 subsection (b).

19 “(4) INVESTMENT.—

20 “(A) IN GENERAL.—Amounts in the Fund
21 that are not currently needed for the purposes
22 of the Fund shall be—

23 “(i) kept on deposit in appropriate in-
24 terest-bearing accounts that shall be estab-
25 lished by the Secretary of the Treasury; or

1 “(ii) invested in obligations of, or
2 guaranteed by, the United States.

3 “(B) REVENUE ACCRUAL.—Any revenue
4 accruing from such deposits and investments
5 described in subparagraph (A) shall be depos-
6 ited in the Fund.

7 “(5) DIVISION OF FUND.—

8 “(A) IN GENERAL.—

9 “(i) IN GENERAL.—The Fund shall be
10 divided into 3 separate geographic area ac-
11 counts based on the jurisdiction of the At-
12 lantic States Marine Fisheries Commis-
13 sion, the Gulf State Marine Fisheries Com-
14 mission, and the Pacific States Marine
15 Fisheries Commission.

16 “(ii) ADDITIONAL ACCOUNTS.—In ad-
17 dition to the 3 separate geographic area
18 accounts described in clause (i), the Sec-
19 retary of Commerce may add 1 or more
20 separate geographic area accounts into
21 which the Fund shall be divided.

22 “(B) AMOUNTS IN ACCOUNTS.—The divi-
23 sion of amounts in each geographic area ac-
24 count of the Fund shall be based on the leasing
25 activity for offshore wind energy in the geo-

1 graphic area of the account and payments from
2 amounts in each account of the Fund shall ad-
3 dress losses in the applicable geographic area.

4 “(6) LEGAL ENTITY.—

5 “(A) IN GENERAL.—The Fund may sue
6 and be sued in its own name.

7 “(B) LITIGATION REFERRAL.—All litiga-
8 tion by or against the Fund shall be referred to
9 the Attorney General of the United States.

10 “(b) FISHERIES MITIGATION COMPENSATION IN
11 PERMITTING PROCESS.—

12 “(1) IN GENERAL.—The Secretary of the Inte-
13 rior, acting through the Director of the Bureau of
14 Ocean Energy Management (referred to in this sub-
15 section as the ‘Secretary’)—

16 “(A) shall require project sponsors to in-
17 clude fisheries compensation as part of the per-
18 mitting process for offshore wind energy under
19 title I of the Create Offshore Leadership and
20 Livelihood Alignment By Operating Responsibly
21 And Together for the Environment Act includ-
22 ing by providing to the Secretary, for deposit
23 into the Fund, amounts determined to be ap-
24 propriate by the Secretary pursuant to para-
25 graph (2), which shall be separate from any

1 other fees, payments, or other amounts associ-
2 ated with the permitting process;

3 “(B) shall require project sponsors to pro-
4 vide to the Secretary, for deposit into the Fund,
5 an additional amount equal to 5 percent of any
6 amount required to be provided for deposit into
7 the Fund under subparagraph (A), of which ad-
8 ditional amount—

9 “(i) 40 percent shall be available to
10 the Secretary of the Interior to cover the
11 administrative expenses of carrying out
12 this section; and

13 “(ii) 60 percent shall be available to
14 the Secretary of Commerce to cover the
15 administrative expenses of carrying out
16 this section;

17 “(C) shall deposit any amounts received
18 under subparagraph (A) or (B) in the Fund;
19 and

20 “(D) shall require the designated stake-
21 holder liaisons appointed under section 33(a)(2)
22 to conduct outreach to fishermen on the avail-
23 ability of compensation from the Fund pursu-
24 ant to this section.

1 “(2) ESTABLISHMENT OF FORMULA TO CAL-
2 CULATE AMOUNTS TO BE PAID.—

3 “(A) IN GENERAL.—The Secretary, in co-
4 ordination with the Administrator of the Na-
5 tional Oceanic and Atmospheric Administration,
6 shall establish a formula to calculate the
7 amounts to be paid by each project sponsor into
8 the Fund.

9 “(B) REEVALUATION OF FORMULA.—The
10 Secretary shall evaluate and potentially adjust
11 the formula established under subparagraph
12 (A) every 5 years.

13 “(c) CLAIMS PROCESS.—

14 “(1) IN GENERAL.—The Secretary of Com-
15 merce—

16 “(A) in collaboration with relevant agen-
17 cies that hold relevant fisheries data, such as
18 State agencies, Regional Fishery Management
19 Councils, and the applicable Interstate Marine
20 Fisheries Commission, shall establish a process
21 to file, process, and verify claims for purposes
22 of making payments from the Fund; and

23 “(B) shall make payments to eligible re-
24 cipients from the Fund in accordance with this
25 section.

1 “(2) RESTRICTIONS.—The Secretary of Com-
2 merce may not make a payment from the Fund—

3 “(A) for gear loss or damage;

4 “(B) for loss caused by the negligence or
5 fault of the claimant;

6 “(C) for loss caused by events or occur-
7 rences unrelated to planning, pre-construction
8 survey, construction, maintenance, operation, or
9 decommissioning of offshore wind energy
10 projects on the outer Continental Shelf; or

11 “(D) for any portion of loss that may be
12 compensated by insurance.

13 “(d) PAYMENT AMOUNTS AND MITIGATION
14 GRANTS.—

15 “(1) IN GENERAL.—Payments made under this
16 section from the Fund shall—

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

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

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

1 easement, or right-of-way, be reduced by an
2 amount that is equal to the amount of such di-
3 rect compensation.

4 “(2) MITIGATION GRANTS.—If the Secretary of
5 Commerce determines that there are sufficient
6 amounts in a geographic area account of the Fund,
7 as described in subsection (a)(5), to provide pay-
8 ments for all verified claims at any given time, the
9 Secretary may use not more than \$20,000,000 of
10 amounts in the Fund that are in excess of the
11 amount necessary to provide payments for all
12 verified claims to provide grants to eligible recipi-
13 ents, and other entities determined appropriate by
14 the Secretary, to mitigate the potential effects of de-
15 velopment of an offshore wind energy project, in-
16 cluding by paying for gear modifications, navigation
17 technology improvements, and other measures to en-
18 hance safety.

19 “(e) ADVISORY GROUP.—

20 “(1) ESTABLISHMENT.—The Secretary of Com-
21 merce, in coordination with the Secretary of the
22 Treasury, shall establish and convene an advisory
23 group not less frequently than twice a year that
24 shall provide recommendations on the development
25 and administration of this section.

1 “(2) MEMBERSHIP.—The advisory group estab-
2 lished under paragraph (1) shall—

3 “(A) be comprised of individuals—

4 “(i) appointed by the Secretary of
5 Commerce; and

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

9 “(B) include representatives from—

10 “(i) recreational fishing interests;

11 “(ii) commercial fishing interests;

12 “(iii) Tribal fishing interests;

13 “(iv) fish processing interests;

14 “(v) the National Marine Fisheries
15 Service;

16 “(vi) the Department of the Interior;

17 “(vii) State agencies;

18 “(viii) the fisheries science commu-
19 nity; and

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

24 “(3) TRAVEL EXPENSES.—The Secretary of
25 Commerce may provide amounts to any member of

1 the advisory group to pay for travel expenses, in-
2 cluding per diem in lieu of subsistence, at rates au-
3 thorized for an employee of an agency under section
4 5703 of title 5, United States Code, while away from
5 the home or regular place of business of the member
6 in the performance of the duties of the advisory
7 group.

8 “(f) ANNUAL REPORT.—The Secretary of Commerce
9 shall submit to Congress, and make publicly available, an
10 annual report on activities carried out under this section,
11 including a description of claims filed and the amount of
12 payments and grants provided.

13 “(g) INSUFFICIENT FUNDS.—

14 “(1) IN GENERAL.—If the Secretary of the In-
15 terior, in coordination with the Secretary of Com-
16 merce, determines that a geographic area account of
17 the Fund does not contain a sufficient amount to
18 provide payments for all verified claims under this
19 section, the Secretary of the Interior may, not more
20 than once each calendar year, require any holder of
21 an offshore wind energy lease located within the
22 area covered by the geographic area account to pay
23 an amount specified by the Secretary of the Interior
24 in accordance with paragraph (2), which shall be de-

1 posited into such geographic area account of the
2 Fund.

3 “(2) LIMIT.—No holder of an offshore wind en-
4 ergy lease shall be required to pay an amount under
5 paragraph (1) that is in excess of \$3 per acre per
6 year of the leased area.

7 “(h) ELIGIBLE RECIPIENT.—In this section, the term
8 ‘eligible recipient’ means—

9 “(1) a community, stakeholder, or Tribal inter-
10 est—

11 “(A) that uses a geographic space of an
12 offshore wind energy lease area, or uses re-
13 sources harvested from a geographic space of
14 an offshore wind energy lease area;

15 “(B) for which such use is directly and ad-
16 versely impacted by the development of an off-
17 shore wind energy project located in such area;
18 and

19 “(C) located in the United States; or

20 “(2) a regional association, cooperative, non-
21 profit organization, commission, or corporation
22 that—

23 “(A) serves, and acts on behalf of, a com-
24 munity, stakeholder, or Tribal interest de-
25 scribed in paragraph (1); and

1 “(B) is located in the United States.”.

2 **SEC. 202. FISHERMEN’S CONTINGENCY FUND.**

3 (a) DEFINITIONS.—Section 401 of the Outer Conti-
4 nental Shelf Lands Act Amendments of 1978 (43 U.S.C.
5 1841) is amended—

6 (1) by striking the section heading and designa-
7 tion and all that follows through “term—” in the
8 matter preceding paragraph (1) and inserting the
9 following:

10 **“SEC. 401. DEFINITIONS.**

11 “In this title:”;

12 (2) in each of paragraph (1) through (8)—

13 (A) by inserting “The term” after the
14 paragraph designation; and

15 (B) by adding a paragraph heading, the
16 text of which comprises the term defined in that
17 paragraph;

18 (3) in each of paragraphs (1) through (6), by
19 striking the semicolon at the end of the paragraph
20 and inserting a period;

21 (4) in paragraph (1)—

22 (A) in the matter preceding subparagraph

23 (A), by striking “area:” and inserting “area—
24 ”;

1 (B) in subparagraph (A), by striking “oil
2 or gas” and inserting “oil, gas, or offshore wind
3 energy”;

4 (C) in subparagraph (B), by striking “ex-
5 ploration, development or production” and in-
6 serting “exploration, development, construction,
7 operation, or production”; and

8 (D) in subparagraph (C), by striking
9 “pipeline rights-of-way have been granted” and
10 inserting “rights-of-way have been granted for
11 a pipeline or offshore wind energy trans-
12 mission”;

13 (5) in paragraph (2), in the matter preceding
14 subparagraph (A), by striking “of therein” and in-
15 serting “therein”;

16 (6) in paragraph (7), by striking “402 of this
17 title; and” and inserting “402.”;

18 (7) by redesignating paragraph (8) as para-
19 graph (9); and

20 (8) by inserting after paragraph (7) the fol-
21 lowing:

22 “(8) OFFSHORE WIND ENERGY.—The term ‘off-
23 shore wind energy’ means energy produced at a fa-
24 cility that—

1 “(A) produces electric energy solely by the
2 use, as a primary energy source, of wind; and

3 “(B) is located on the outer Continental
4 Shelf.”.

5 (b) PAYMENTS BY LEASEHOLDERS.—Section
6 402(b)(1) of the Outer Continental Shelf Lands Act
7 Amendments of 1978 (43 U.S.C. 1842(b)(1)) is amended,
8 in the first sentence—

9 (1) by striking “Act and each holder” and in-
10 serting “Act (43 U.S.C. 1331 et seq.), and each
11 holder”; and

12 (2) by inserting “or offshore wind energy” after
13 “pipeline”.

14 (c) DUTIES AND POWERS OF SECRETARY.—Section
15 403 of the Outer Continental Shelf Lands Act Amend-
16 ments of 1978 (43 U.S.C. 1843) is amended by striking
17 “oil and gas exploration,” each place it appears in sub-
18 sections (a)(2) and (c)(1) and inserting “oil, gas, and off-
19 shore wind energy exploration,”.

20 (d) DISBURSEMENT OF PAYMENTS.—Section 403(c)
21 of the Outer Continental Shelf Lands Act Amendments
22 of 1978 (43 U.S.C. 1843(c)(1)) is amended—

23 (1) in paragraph (1), in the first sentence, by
24 inserting “or activities authorized under section 8(p)

1 of the Outer Continental Shelf Lands Act (43
2 U.S.C. 1337(p))” after “production activities”; and

3 (2) by adding at the end the following:

4 “(3) DISBURSEMENT ALLOCATION.—The Sec-
5 retary shall ensure—

6 “(A) that only amounts deposited in the
7 Fund for oil and gas activities shall be dis-
8 bursed to compensate claims for oil and gas ac-
9 tivities; and

10 “(B) that only amounts deposited in the
11 Fund for offshore wind energy activities shall
12 be disbursed to compensate claims for offshore
13 wind energy activities.”.

14 (e) BURDEN OF PROOF.—Section 404 of the Outer
15 Continental Shelf Lands Act Amendments of 1978 (43
16 U.S.C. 1844) is amended, in the matter preceding para-
17 graph (1), by striking “oil and gas exploration” and in-
18 serting “oil, gas, and offshore wind energy exploration”.

19 **SEC. 203. GRANT PROGRAM FOR RESEARCH ON THE IM-**
20 **PACTS OF OFFSHORE WIND DEVELOPMENT**
21 **ON FISHERIES RESOURCES.**

22 (a) GRANT PROGRAM.—The Secretary of Commerce,
23 in consultation with the Secretary of the Interior, shall
24 establish and carry out a program to award grants, on
25 a competitive basis, to eligible entities to enable such enti-

1 ties to carry out research that contributes to an under-
2 standing of the impacts of all stages of offshore wind en-
3 ergy planning, construction, operation, and decommis-
4 sioning on fisheries resources.

5 (b) APPLICATIONS.—

6 (1) IN GENERAL.—An eligible entity, as deter-
7 mined by the Secretary of Commerce, that desires to
8 receive a grant under this section shall submit an
9 application to the Secretary of Commerce at such
10 time and in such form as the Secretary may require,
11 including a demonstration of how the eligible entity
12 will use the grant funds to further understanding of
13 the impacts of offshore wind energy development on
14 fisheries resources.

15 (2) REQUIRED USE OF FISHERMEN.—An eligi-
16 ble entity that desires to receive a grant under this
17 section shall demonstrate engagement with, and col-
18 lection of input from, the fishing community in the
19 grant development process and include fishermen as
20 active contributors in any research supported under
21 this section.

22 (c) ELIGIBLE USES OF FUNDS.—An eligible entity
23 that receives a grant under this section shall use the grant
24 funds for research on any of the following:

1 (1) Understanding the effects of electric and
2 magnetic forces, habitat changes, vibrations, noise,
3 and thermal radiation on any fish populations.

4 (2) Conducting planning or analysis on how to
5 adapt fisheries surveys to the presence of wind
6 farms.

7 (3) Establishing baseline conditions for benthic
8 habitat and conducting monitoring throughout off-
9 shore wind energy operation.

10 (4) Increasing automated or indirect data col-
11 lection from fishing vessels.

12 (5) Studying oceanographic changes due to tur-
13 bulence and surface wind reduction.

14 (6) Studying the socioeconomic impacts of wind
15 energy development on fishermen and their commu-
16 nities, including ability to adapt, resilience to
17 change, and economic impacts.

18 (7) Social science research on how fishermen
19 and communities will be impacted by offshore wind
20 energy development.

21 (8) Examining potential uses of offshore wind
22 turbines, pilings, and other hard structures as data
23 collection points for scientific research, infrastruc-
24 ture for aquaculture operations, or for other uses.

1 (9) Finding pathways and opportunities for
2 skill transferability for fishermen to other industries.

3 (10) Infrastructure designs that can facilitate
4 and support biodiversity in the area of the wind
5 farm.

6 (11) Other topics as recommended—

7 (A) in consultation with the Standing
8 Committee on Offshore Wind Energy and Fish-
9 eries at the National Academies; and

10 (B) by studies and reports on offshore
11 wind energy impacts to fisheries resources, in-
12 cluding the Fisheries and Offshore Wind Inter-
13 actions: Synthesis of Science technical memo
14 produced by the Responsible Offshore Develop-
15 ment Alliance, the Bureau of Ocean Energy
16 Management, the National Oceanic and Atmos-
17 pheric Administration, and the Northeast Fish-
18 eries Science Center, and other studies and re-
19 ports of the Bureau of Ocean Energy Manage-
20 ment and the National Oceanic and Atmos-
21 pheric Administration.

22 (d) REPORTING.—

23 (1) IN GENERAL.—An eligible entity that re-
24 ceives a grant under this section shall submit to the
25 Secretary of Commerce a report, at such time and

1 in such form as the Secretary may require, on the
2 results of the use of the grant.

3 (2) CONTENT.—Each report submitted under
4 paragraph (1) shall include any relevant data re-
5 quested by the Secretary for purposes of tracking
6 the effectiveness of the program established under
7 this section.

8 (3) PUBLIC AVAILABILITY.—The Secretary of
9 Commerce shall make each report submitted under
10 paragraph (1) publicly available.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$10,000,000 for each of fiscal years 2023 through 2033,
14 to remain available until expended.

15 **SEC. 204. OFFSHORE WIND AND FISHERIES COEXISTENCE**
16 **FUND.**

17 (a) ESTABLISHMENT OF GRANT PROGRAM.—The Ad-
18 ministrator of the National Oceanic and Atmospheric Ad-
19 ministration, in consultation with the Director of the Bu-
20 reau of Ocean Energy Management, shall—

21 (1) award grants for research and development
22 of technologies that support the coexistence of off-
23 shore wind energy development and other ocean
24 users, including fishing gear and vessel modifica-

1 tions, modifications or updates to radar equipment,
2 and safety equipment or trainings; and

3 (2) in awarding grants under paragraph (1),
4 prioritize proposals that include coordination and
5 collaboration between different ocean stakeholders
6 and users, including between fishermen and devel-
7 opers.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$10,000,000 for each of fiscal years 2023 through 2033,
11 to remain available until expended.