

# Congress of the United States

Washington, DC 20510

July 14, 2022

The Honorable Maria Cantwell  
Chair, Committee on Commerce,  
Science and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Roger Wicker  
Ranking Member, Committee  
on Commerce, Science, and Transportation  
United States Senate  
Washington, DC 20510

Dear Chairwoman Cantwell and Ranking Member Wicker:

As you lead the Senate Commerce Committee in considering the U.S. Coast Guard Authorization for fiscal year 2023, we write to urge the removal of a provision included in the House companion bill that has the unintended consequence of threatening the future of our nation's offshore wind industry and our nation's energy independence. As Members of Congress representing states and districts with nascent offshore wind development, we are deeply concerned about how this provision will impact career opportunities for our constituents. Removing this language would allow for the House and Senate to reach a compromise that achieves our shared goals of supporting a U.S. offshore wind workforce, including domestic shipbuilding.

Section 518 in H.R. 6865 would prohibit offshore wind developers in the U.S. from employing necessary construction vessels, including wind turbine installation vessels (WTIVs), because they are foreign flagged and staffed with a workforce that we currently do not have stateside. It is a misconstrued extension of the Jones Act. Custom and Border Protection's (CBP) own interpretation of the Jones Act has determined that the law already requires the transportation of merchandise between offshore wind turbine foundations and U.S. ports to be done by American mariners on U.S. flagged ships. Per CBP's guidance, the use of foreign-flagged vessels, like WTIVs, for installation of materials, as long as the jack-up vessel stays stationary, is consistent with prior interpretations of the Jones Act.<sup>1</sup>

While misconstrued, the amendment's intent is just. We strongly support its attempt to foster American jobs in the offshore wind sector. However, the actual effect of this provision will be contrary to its intent. Should this provision become law, tens of thousands of good U.S. jobs in the offshore wind industry are at risk. There are only three extant WTIVs capable of constructing turbines for offshore wind installations. All are foreign flagged. By prohibiting the use of these WTIVs in the short term, we sacrifice all of the jobs that would have existed during the lifetime of these projects, including for maintenance and operations.

Ceasing construction at this early stage will jeopardize as many as 33 offshore wind projects along the East Coast and as many as 9,000 jobs at the Massachusetts Wind project and the Dominion Coastal Virginia Offshore Wind project alone. Vineyard Wind signed the first project labor agreement for an industrial-scale offshore wind project in the United States. In total, offshore wind projects are estimated to create an additional 20,000 new U.S. jobs across the eastern seaboard if allowed to proceed.

These projects would lead the way in meeting the Biden Administration's goal of 30 gigawatts of clean energy from offshore wind by 2030.<sup>1</sup> Vineyard Wind alone is expected to reduce carbon emissions by more than 1.6 million tons per year, the equivalent of taking 325,000 cars off the road. The Coastal Virginia Offshore Wind project will compound this impact, further reducing 5 million metric tons of carbon dioxide emissions annually, which is the equivalent of removing 1 million cars from the road each year. By not allowing offshore wind developers to employ necessary construction vessels, the U.S. risks losing the deployment of up to 1,460 MW of offshore wind each year. Each WTIV not in use along our coasts, due to this provision, would be 4.9 million tons of annual CO2 that is not eliminated.

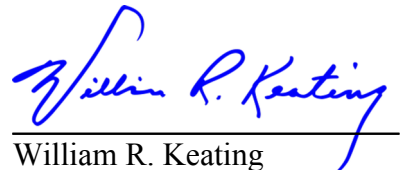
As the bill was considered on the House floor, Chairman DeFazio agreed in a colloquy that it is not the intent of the legislation to impede offshore wind and that he would work to assure that it does not. Including this language as written would not simply impede offshore wind projects -- it would crater the industry writ large.

We urge you to remove Section 518 in any iteration of the Fiscal Year 2023 Coast Guard Authorization bill and, per the Chairman's commitment, to work with House and Senate colleagues to resolve the issue before advancing any final version of the bill.

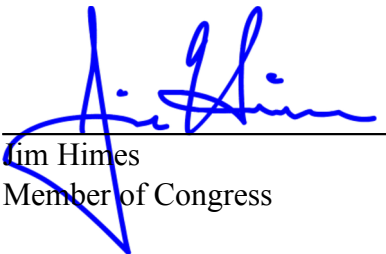
Sincerely,



Jake Auchincloss  
Member of Congress



William R. Keating  
Member of Congress




Jim Himes  
Member of Congress



Yvette D. Clarke  
Member of Congress

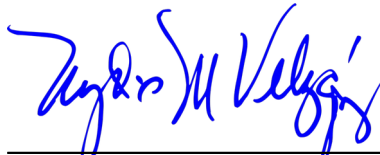


Lori Trahan  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



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Emanuel Cleaver, II  
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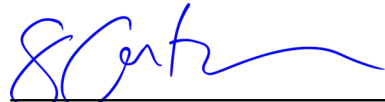
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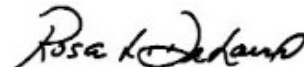
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Paul Tonko  
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A. Donald McEachin  
Member of Congress



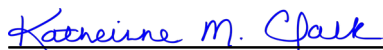
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