

Questions from Rep. Gosar for Ms. Heather Zichal, Chief Executive Officer, American Clean Power Association

1. Ms. Zichal, in the answers during the hearing you repeatedly said that ACP supports the Jones Act. Please provide the committee any instance where ACP or its predecessor organization took a public action in support of the Jones Act, sent correspondence in support of the Jones act or publicly supported Jones act for the American maritime industry.
 - a. Not only has ACP publicly supported the Jones Act in our comments to Customs and Border Protection, in practice, our members put U.S.-flagged vessels to work on a daily basis. In fact, the vast majority of vessels required to construct and operate offshore wind turbines are part of the Jones Act fleet and put American mariners to work, which will help revitalize coastal and port communities up and down our shorelines. While Jones Act waivers have been requested by other industries to do certain transportation activities, the offshore wind industry has never sought such a waiver. The nascent U.S. offshore wind industry only has seven turbines in U.S. waters but this number will exponentially grow in the coming years. And as the industry, business certainty, and U.S. manufacturing grow surrounding offshore wind, more investments will be made in U.S.-flagged vessels to transport components from U.S. ports to wind farms, growing the U.S.-flagged fleet and helping achieve the goal of the Jones Act to build a thriving, domestic maritime industry. We are already seeing such signs; Dominion's WTIV is likely to enter service in 2023 and is [expected](#) to be based out of Virginia with a U.S. crew of 119 American mariners and wind farm technicians. The U.S.-flagged Edison Chouest Orsted-Eversource Service Operation Vessel will also be capable of [housing](#) 70 passengers/ wind turbine technicians. However, until more such vessels are constructed, even though ACP's members would prefer using coastwise vessels and American mariners for construction activities, unfortunately, there are just not adequate coastwise vessels to do the work needed to meet offshore wind energy targets set by states and the federal government. And it is our understanding that there will not be an adequate supply of such vessels for the immediate future. Therefore, an expansion of the Jones Act beyond its longstanding policy of applying only to transportation activities (i.e., not to construction) would materially impact the ability to deploy offshore wind energy to meet public policy goals. In short, while we fully support the Jones Act in its current form, we merely believe it should not be suddenly expanded without considering how that might compromise the fulfillment of such goals.

2. Ms. Zichal, in your testimony you make it clear that “the nascent offshore wind industry will use foreign-flagged ships ... because there are currently no US-flagged vessels that can perform these activities.” However, the KOMMANDOR STUART is currently a 45-year old foreign-flagged vessel that has worked in U.S. waters for most of the last year. Can you please tell me what specialized equipment this vessel has that is not found on U.S.-flagged vessels—or could not have been added onto U.S. flagged vessels in that time?” Additionally, the Bahamian-flagged GEOQUIP SAENTIS is a Chinese-built vessel that also has worked in U.S. waters for much of the last year. Can you please tell me what specialized equipment this vessel has that is not found on U.S.-flagged vessels—or could not have been added onto U.S. flagged vessels in that time?”
 - a. To clarify, in my testimony, I state that, “consistent with the Customs and Border Protection’s long-standing interpretation of the Jones Act, the nascent offshore wind industry will use foreign-flagged ships *during certain limited construction activities, such as heavy lifts*, because there are currently no U.S.-flagged vessels that can perform these activities.” And Customs and Border Protection’s long-standing interpretation of the Jones Act only requires U.S.-flagged vessels for transportation, but not construction activities.
 - b. The KOMMANDOR STUART and GEOQUIP SAENTIS are both survey vessels. Survey vessels have a minimal scope of work in terms of vessel support needs during construction and operations for offshore wind projects. Many research vessels that do survey work in U.S. waters are not U.S.-flagged. Companies that operate the ships often have a base in the U.S. even if the

vessel is not U.S.-flagged. The specialized equipment that I referred to in my testimony that cannot be found on U.S.-flagged vessels was for construction vessels, not survey vessels.

- c. As the American Bureau of Shipping stated in a March 2021 [Report](#), “The construction and maintenance of offshore wind projects call of a combination of expertise that is comparatively new to the U.S. market and requires a variety of specialist support tonnage.” With leasing and permitting certainty, specialized, U.S.-flagged vessels will increase in demand as the offshore wind grows in the U.S. from 7 turbines to hundreds of turbines. We are already starting to see announcements to create specialized, U.S.-flagged offshore wind vessels. For example, there are no U.S.-flagged scour protection vessels that can precisely deposit rock around offshore wind turbine monopiles. In December 2020, Great Lakes Dock and Dredge [announced](#) that it was building the first Jones Act compliant, purpose-built vessel for subsea rock installation to help advance the U.S. offshore wind industry. The offshore wind industry looks forward to working with and incentivizing specialized vessels in the U.S. as permitting and business certainty grow.
3. If these vessels are so unique that there is not a U.S. vessel that can take their place, there is nothing that prevents your companies executing contracts that require those foreign ships be manned with American mariners. Can you please explain why your companies working in U.S. waters won’t demand U.S. mariners to crew vessels working on projects in U.S. waters?
 - a. Even if we would prefer to support American mariners working on foreign ships, that is just not feasible at this point in time with respect to installation vessels needed for the construction of offshore wind. Assuming such a foreign ship could even locate skilled US mariners to do the construction work onboard it (i.e., as there are no current US vessels that do such work, there is a dearth of trained US mariners with the requisite skills to operate cranes on heavy-lift vessels, etc.), there would be no way for a developer to demand such an outcome in the in-demand world of installation vessels. There are only 12 heavy-lift, jack-up installation vessels worldwide capable of constructing the current generation of turbines and a request to substitute the regular crew on one of these boats would likely result in the vessel just taking its business abroad—hurting the nascent U.S. offshore wind industry.