

116TH CONGRESS
1ST SESSION

S. _____

To amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

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.**

4 This Act may be cited as the “Offshore Wind Incen-
5 tives for New Development Act” or the “Offshore WIND
6 Act”.

7 **SEC. 2. ENERGY CREDIT FOR QUALIFIED OFFSHORE WIND**
8 **FACILITIES.**

9 (a) IN GENERAL.—Subsection (a) of section 48 of the
10 Internal Revenue Code is amended—

1 (1) in paragraph (2)(A)(i)—

2 (A) in subclause (III), by striking “and” at
3 the end; and

4 (B) by adding at the end the following new
5 subclause:

6 “(V) qualified offshore wind
7 property, and”; and

8 (2) in paragraph (3)(A)—

9 (A) in clause (vi), by striking “or” at the
10 end;

11 (B) in clause (vii), by adding “or” at the
12 end; and

13 (C) by adding at the end the following new
14 clause:

15 “(viii) qualified offshore wind prop-
16 erty, but only with respect to property the
17 construction of which begins before Janu-
18 ary 1, 2026,”.

19 (b) QUALIFIED OFFSHORE WIND PROPERTY.—Sub-
20 section (c) of section 48 of the Internal Revenue Code of
21 1986 is amended by adding at the end the following new
22 paragraph:

23 “(5) QUALIFIED OFFSHORE WIND PROPERTY.—

1 “(A) IN GENERAL.—The term ‘qualified
2 offshore wind property’ means an offshore facil-
3 ity using wind to produce electricity.

4 “(B) OFFSHORE FACILITY.—The term
5 ‘offshore facility’ means any facility located in
6 the inland navigable waters of the United
7 States, including the Great Lakes, or in the
8 coastal waters of the United States, including
9 the territorial seas of the United States, the ex-
10 clusive economic zone of the United States, and
11 the outer Continental Shelf of the United
12 States.

13 “(C) EXCEPTION FOR QUALIFIED SMALL
14 WIND ENERGY PROPERTY.—The term ‘qualified
15 offshore wind property’ shall not include any
16 property described in paragraph (4).

17 “(D) SPECIAL RULE.—In the case of any
18 property described in subparagraph (A) which
19 was placed in service after December 31, 2016,
20 and for which a credit under this section was
21 allowed by reason of subsection (a)(5) in any
22 taxable year which ends before or includes the
23 date of the enactment of the Offshore WIND
24 Act, notwithstanding any election under such
25 subsection (a)(5), such property may be treated

1 at the election of the taxpayer as qualified off-
2 shore wind property (and not as qualified prop-
3 erty which is part of a qualified investment
4 credit facility) for—

5 “(i) taxable years including or begin-
6 ning after such date of enactment, and

7 “(ii) any taxable years ending before
8 such date of enactment, including by filing
9 an amended return.

10 Notwithstanding section 6501, an amended re-
11 turn may be filed for purposes of clause (ii) for
12 any taxable year described in such clause.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act.