



December 29, 2025

Senator Mike Lee  
Chair, Senate Energy and Natural  
Resources Committee  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable Bruce Westerman  
Chair, House Committee on Natural  
Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

Senator Martin Heinrich  
Ranking Member, Senate Energy and  
Natural Resources Committee  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable Jared Huffman  
Ranking Member, House Committee on  
Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 2051

Dear Chairman Lee, Chairman Westerman, Ranking Member Heinrich, and Ranking Member Huffman:

Last week, the Department of the Interior announced that it was “pausing—effective immediately—the leases for all large-scale offshore wind projects under construction in the United States,” imperiling billions of dollars in investment, thousands of jobs, and sustainable energy for an estimated 2.5 million homes and businesses. The pause came in the form of separate cookie-cutter orders issued to five offshore wind projects.

We write to you because we are concerned that the Department is trying to evade the Congressional Review Act (CRA) by issuing these five vague, perfunctory, cookie-cutter orders. The available evidence indicates that these five orders constitute a major rule under the CRA. As a major rule, these orders cannot take effect until at least 60 days after the Bureau of Ocean Energy Management (BOEM) provides Congress with the requisite notification and report under the CRA, which, according to our knowledge, has not occurred. In attempting to abrogate Congressional authority by not complying with the CRA, we believe that Interior’s misguided orders pausing these five wind projects cannot take effect.

Additionally, we write to raise new ethics concerns about the signatory of these orders, acting BOEM Director Matthew Giacona, and potential financial conflicts of interest in his performance of duties.

## **These Orders Are Covered By the CRA**

Under the CRA, a rule is “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.”

Although lease actions are generally construed as orders resulting from an adjudicatory process involving specific parties, facts, and controversies rather than broadly applicable prospective rules subject to the CRA, both Congress and courts appropriately look beyond the label the executive branch applies to the substance of an action to determine its true nature.

We believe these lease actions are rules covered by the CRA because they make statements of general applicability and imminent future effect designed to implement policy. None of the exceptions to the CRA apply in this case.

The Department of the Interior’s press release and Secretary Burgum’s press statements were, at their core, statements of general applicability and imminent future effect, designed to implement policy. In this case, BOEM’s five vague cookie-cutter orders issued on Monday amount to a single broad policy decision that falls under the requirements of the CRA. Although each of the orders pretextually asserts that each of the five 90-day suspensions is based on “the particularized harm posed by this project[,]” all available evidence indicates that Interior made a single broad policy decision to halt all active large-scale offshore wind projects under construction in the United States.

The singular nature of Interior’s action was clear from the first public announcements of the action, a coordinated rollout with Fox News entities. Shortly after 8:00 Eastern, Maria Bartiromo asked Secretary Burgum, “What next action did you want to tell us about this morning?” Foxnews.com at 8:05 first published a story on the matter, citing an Interior press release that had yet to appear on its website, with a quote from Secretary Burgum that “[t]oday’s action addresses emerging national security risks[,]” again using the singular.

Further, Burgum’s public announcement to Fox audiences of Interior’s singular action preceded the pretextual individual orders provided to the lessees privately by BOEM by at least one to two hours, according to investigative reporting by Canary Media. As published by BOEM, four of the near-identical orders were signed by Giacona in a six-minute span between 7:41 and 7:47 Monday morning (inexplicably, Giacona did not sign the Empire Wind order until 2:38 that afternoon). Reporting late Tuesday in the New York Times points to a singular top-down decision centered at the White House rather than five individualized adjudications originating from BOEM.

Burgum’s voluminous public comments in the hours and days since the pause further show the true purpose of Interior’s singular action. Whether on other media hits at Fox or numerous posts from his official account on X, Burgum’s focus is not on national security. The national security pretext quickly gives way to broad and spurious talking points about the “Green New Scam,”

how “wind doesn’t blow 24-7” (evincing Burgum’s seeming unfamiliarity with energy storage technologies), and unyielding promotion of liquified natural gas projects.

### **Interior’s halt on wind projects is likely not just a rule, but a major rule.**

Under the CRA, a rule that meets any one of three criteria (an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or in pertinent part significant adverse effects on competition, employment, investment, productivity, or innovation) is a major rule. Interior’s pause likely meets all three.

As a major rule under the CRA, the pause cannot take effect until at least 60 days after BOEM provides Congress the requisite notification and report under the CRA, which, according to GAO’s database, has not yet occurred. Congress must use its oversight authority to unveil the truth and, as appropriate, and to enforce the rule of law.

Domestic energy production is inherently related to national security. The Department of the Interior issues leases not just for these five oceanic wind farms but also for thousands of offshore oil and gas wells. On public lands across the United States, Interior has tens of thousands of additional active leases related to oil, gas, wind, solar, and geothermal production, as well as for the mining of energy-related minerals. If last week’s actions are allowed to stand, future presidents will have unchecked authority under the guise of national security to target federal leases related to entire disfavored energy industries for political purposes.

### **Potential Conflicts of Interest of Acting BOEM Director Matthew Giacana**

Beyond our concern about the CRA, we also write to inform the committee about a potential conflict of interest Acting BOEM Director Matthew Giacana may have with BOEM operations generally, and the evolving wind pause specifically. The Ethics in Government Act, to promote transparency and prevent conflicts of interest from interfering with public business, requires certain government officials to file public financial disclosures when entering and exiting covered positions, as well as periodic disclosures for specified transactions. Laudably, Mr. Giacana is a diligent filer. However, we are concerned that his reports indicate potential conflicts of interest.

On September 16, Giacana promptly reported his same-day purchase of interests in the United States Natural Gas Fund (traded under the symbol UNG). UNG is an exchange-traded fund (ETF) that is designed to track the daily price movements of natural gas (specifically natural gas delivered at the Henry Hub, Louisiana). Although Office of Government Ethics (OGE) regulations exempt in whole or in part many ETFs from the Conflict of Interest Statute (18 USC § 208), those exemptions only apply to ETFs registered with the SEC as a management company under the Investment Company Act of 1940. UNG is a commodity pool subject to regulation by the Commodity Futures Trading Commission and not a management company under the Investment Company Act of 1940. Accordingly, a government employee who has an interest in

UNG also has a potential conflict of interest with the underlying holdings of UNG (currently primarily natural gas futures contracts at the Henry Hub).

We do not know if Mr. Giacona continues to keep a financial interest in UNG. Nor do we assert that the offshore wind pause currently has a direct and predictable effect on a financial interest in UNG to the extent one exists (though Burgum and Interior's continued entwining of the pause with promotion of liquified natural gas may increase such directness and predictability in the future). Nonetheless, it is disconcerting that Mr. Giacona temporarily had even a de minimis financial interest in natural gas futures while also leading the agency that manages the development of natural gas resources on the outer continental shelf.

We are also disconcerted by Mr. Giacona's disclosure of a sale on September 3 of interests in the United States Oil Fund (USO), an ETF based on a commodity partially overseen by BOEM that is not registered under the Investment Company Act of 1940 nor exempt from the Conflict of Interest Statute. We are unclear as to whether Mr. Giacona retains any interest in USO, but are dismayed that for the period in which he had any prior to September 3, while overseeing BOEM.

We greatly appreciate your time, attention, and consideration of our concerns. If you have questions or we can help in any way, please let us know.

Sincerely,

Timothy Whitehouse

Executive Director

Public Employees for Environmental Responsibility

## **Attachments**

[PEER Press Release](#)

Supporting Materials

- Interior Press Release:
  - <https://www.doi.gov/pressreleases/trump-administration-protects-us-national-security-pausing-offshore-wind-leases>
- BOEM Director's Orders:
  - <https://www.boem.gov/renewable-energy/state-activities/boem-vineyard-suspension-letter>
  - <https://www.boem.gov/renewable-energy/state-activities/boem-revolution-wind-suspension-letter>
  - <https://www.boem.gov/renewable-energy/state-activities/boem-sunrise-wind-suspension-letter>
  - <https://www.boem.gov/renewable-energy/state-activities/boem-empire-wind-suspension-letter>

- <https://www.boem.gov/renewable-energy/state-activities/boem-cvow-suspension-letter>
- Significant Reporting:
  - <https://www.canarymedia.com/articles/offshore-wind/bonkers-doi-letter-halts-all-five-in-progress-offshore-wind-farms>
  - <https://www.nytimes.com/2025/12/22/climate/trump-offshore-wind-farms.html>
  - <https://www.nytimes.com/2025/12/23/climate/governors-trump-offshore-wind.html>
- Financial Disclosure Public Filings:
- Matthew Giacana Financial Disclosure Reports:
  - [September 16 Matthew Giacana Filing](#)
  - [September 3 Matthew Giacana Filing](#)
- Conflicts of Interest Considerations:
  - [https://www.oge.gov/web/OGE.nsf/0/7A3DB2F1691E9E42852585B6005A1F8F/\\$FILE/Legal%20Entities%20that%20Hold%20Assets.pdf](https://www.oge.gov/web/OGE.nsf/0/7A3DB2F1691E9E42852585B6005A1F8F/$FILE/Legal%20Entities%20that%20Hold%20Assets.pdf)