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Legal Sidebar

Trump Administration Actions to Curtail Offshore Wind Energy Development Meet Judicial Resistance

March 11, 2026

In 2025 the Trump Administration took a number of actions that could affect the continued development and use of renewable energy resources, especially offshore wind energy projects. These actions, which include orders halting the development or operation of individual projects, have resulted in numerous lawsuits. Several courts have ruled that the suspension orders and other executive actions announcing or implementing the Administration's offshore wind policies are unlawful, and the Department of the Interior (DOI) has indicated its intent to appeal those rulings. This Legal Sidebar provides an overview of the legal framework governing offshore wind energy development, discusses the Trump Administration's recent actions and related litigation, and identifies considerations for Congress.

Legal Framework for Wind Energy Leasing

The Outer Continental Shelf Lands Act (OCSLA) is the federal statute that governs development of natural resources on the U.S. outer continental shelf (OCS), defined in statute as "all submerged lands lying seaward and outside of" areas subject to state control "and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control or within the exclusive economic zone of the United States and adjacent to any territory of the United States." The law sets terms for the leasing of areas in the OCS for energy and mineral development, including renewable energy development.

Section 12(a) of the OCSLA provides that "the President of the United States may, from time to time, withdraw from disposition any of the unleased lands" of the OCS. Additionally, the regulations implementing the OCSLA and the terms of offshore wind leases both give the Bureau of Ocean Energy Management (BOEM) within DOI the authority to suspend offshore wind leases in certain circumstances, but the scope of this authority is limited and predicated on specific facts and circumstances. A CRS report discusses in greater detail the legal framework for offshore wind energy development.

Congressional Research Service
https://crsreports.congress.gov
LSB11402

Trump Administration Actions

On January 20, 2025, President Trump issued an executive memorandum withdrawing the entire OCS from wind energy leasing moving forward on a temporary basis pursuant to the President's authority under Section 12(a) of the OCSLA. Section 2 of the memorandum called for a "comprehensive assessment and review of Federal wind leasing and permitting practices." With respect to existing leases, the memorandum noted, "Nothing in this withdrawal affects rights under existing leases in the withdrawn areas." However, it also directed the Secretary of the Interior to "conduct a comprehensive review of the ecological, economic, and environmental necessity of terminating or amending any existing wind energy leases, identifying any legal bases for such removal, and submit a report with recommendations to the President."

A series of agency orders limiting development of offshore wind energy resources followed. A July 2025 secretarial order issued by DOI's deputy chief of staff for policy mandated that "decisions, actions, consultations, and other undertakings ... related to wind and solar energy facilities shall require submission to the Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary," which is a more onerous process than was previously required. Another secretarial order issued a month later directed DOI to "optimize the use of lands under its direct management" during environmental reviews under the National Environmental Policy Act by considering the surface area footprint of proposed energy projects. This approach is likely to hinder permitting of wind and solar production facilities on federal lands, as these projects require a greater surface acreage than other forms of energy production do. The order also noted that the management requirements of various federal statutes "give rise to the question on whether the use of Federal lands for *any* wind and solar projects is consistent with the law, given these projects' encumbrance on other land uses, as well as their disproportionate land use when reasonable project alternatives with higher capacity densities are technically and economically feasible."

Suspension Orders and Related Litigation

In addition to this broad policy shift, the Trump Administration has taken actions to slow or stall development and operation of individual offshore wind projects. One such project is Revolution Wind, an offshore wind farm under construction off the coasts of Connecticut and Rhode Island that was projected to supply those states with 704 megawatts of electric power. On August 22, 2025, the acting director of BOEM issued a Director's Order instructing Revolution Wind to "halt all ongoing activities related to the Revolution Wind Project on the outer continental shelf (OCS) to allow time for it to address concerns that have arisen during the review that the Department is undertaking pursuant to the President's Memorandum of January 20, 2025."

The August 22 Director's Order, which the parties refer to as a "Stop Work Order," asserted that the agency is "seeking to address concerns related to the protection of national security interests of the United States and prevention of interference with reasonable uses of the exclusive economic zone, the high seas, and the territorial seas" in accordance with BOEM's obligation under the OCSLA to "ensure that any activity under this subsection is carried out in a manner that provides for ... protection of national security interests of the United States." The order did not cite any specific statute or regulation that explicitly empowers the agency to issue Stop Work Orders. The Revolution Wind Stop Work Order was preceded by a similar order issued to the Empire Wind 1 project in April 2025, but that order was lifted one month later, reportedly as a result of the Trump Administration's negotiations with the State of New York on natural gas pipeline permitting matters.

Revolution Wind filed a complaint seeking to enjoin enforcement of the August 22 Stop Work Order and later supplemented that effort with a motion requesting injunction and a stay on enforcement pending review. The States of Connecticut and Rhode Island also filed a complaint and a subsequent motion in the

U.S. District Court for the District of Rhode Island seeking an injunction and asking the court to declare the Stop Work Order unlawful via declaratory judgment. The states are not the permit holders, but they alleged standing to bring this legal challenge because the potential loss of electricity generated by the Revolution Wind project would hinder or prevent their compliance with federal, regional, and state requirements for renewable energy usage. The states also noted that they have been coordinating with the federal government since 2009 to site a wind energy facility in this location. This proceeding was later removed to the U.S. District Court for the District of Columbia, where Revolution Wind had filed its complaint.

Both motions argued that the conditions for suspending offshore wind leases under the OCSLA implementing regulations are not present in this instance. Both the states and Revolution Wind highlighted the prolonged and detailed review of the proposed Revolution Wind project already conducted by the federal government—a review that concluded that approval of Revolution Wind's Construction and Operation Plan would be in accordance with the regulations at 30 C.F.R. part 585 and would ensure that activities related to the project would be carried out in a manner that provides for consideration of all the factors listed in subsection 8(p)(4) of the OCSLA. The parties also noted that the agencies had previously concluded that any national security impacts from developing offshore wind in the Revolution Wind project's lease area would be negligible and avoidable.

On September 22, 2025, the U.S. District Court for the District of Columbia granted the motion and enjoined BOEM's efforts to enforce the Stop Work Order. The court did not issue a written opinion to accompany its order but found in its order that "Revolution Wind has demonstrated likelihood of success on the merits of its underlying claims, it is likely to suffer irreparable harm in the absence of an injunction, [and] the balance of equities is in its favor" and concluded that "maintaining the status quo by granting the injunction is in the public interest."

DOI elected not to appeal the district court's September 2025 order enjoining the Stop Work Order. Instead, on December 22, 2025, it issued a series of new suspension orders to Revolution Wind and four other offshore wind energy projects (Vineyard Wind 1, Coastal Virginia Offshore Wind, Sunrise Wind, and Empire Wind 1) at various stages of development. These new suspension orders directed the parties behind these offshore wind projects to "suspend all ongoing activities related to the [offshore wind facility] for the next 90 days for reasons of national security," during which time DOI would coordinate with the parties to "determine whether the national security threats posed by this project can be adequately mitigated." The suspension orders cited 30 C.F.R. § 585.417(b), which authorizes BOEM to order a suspension of an offshore lease or permit "[w]hen the suspension is necessary for reasons of national security and defense." The orders provided no detail as to the nature of the national security threat, but the press release accompanying issuance of the orders noted that "unclassified reports from the U.S. Government have long found that the movement of massive turbine blades and the highly reflective towers create radar interference called 'clutter.' The clutter caused by offshore wind projects obscures legitimate moving targets and generates false targets in the vicinity of the wind projects."

All five of these suspension orders have since been enjoined by federal district courts. For example, on January 12, 2026, the U.S. District Court for the District of Columbia granted the preliminary injunctive relief requested by Revolution Wind. The court again found that Revolution Wind had demonstrated the likelihood of irreparable harm from the suspension order in the absence of an injunction, as well as the likelihood that Revolution Wind would succeed on the merits and that the balance of equities and the public interest also warranted injunctive relief. The court did not elaborate further on the reasoning behind its decision. The same court issued similar orders enjoining enforcement of the suspension orders directed at Empire Wind and Sunrise Wind. The U.S. District Court for the District of Massachusetts did the same with respect to the suspension order targeting Vineyard Wind, as did the U.S. District Court for the Eastern District of Virginia for the Coastal Virginia Offshore Wind project. DOI has reportedly indicated that it intends to appeal the rulings.

In addition to the challenges to individual suspension orders, states and nongovernmental organizations also challenged President Trump's January 2025 executive memorandum and the resulting pauses on all wind permitting by federal agencies including DOI—actions collectively referred to as the "Wind Order." On December 8, 2025, the U.S. District Court for the District of Massachusetts ruled that the Wind Order was a final agency action and therefore reviewable and that it was arbitrary and capricious in violation of the Administrative Procedure Act (APA). The court vacated the entirety of the Wind Order. The court noted that the administrative record supporting the Wind Order consisted entirely of the January 2025 executive memorandum and the Stop Work Orders effectuating the policy and thus concluded that federal agencies had not "reasonably considered the relevant issues and reasonably explained the[ir] decision" as required by the APA. The court also concluded that the government's failure to explain the reasons for the change in policy or consider reliance interests affected by the change. The court further found that the memorandum violated provisions of the APA requiring reasonably expeditious agency proceedings. The federal government has filed an appeal in the U.S. Court of Appeals for the First Circuit; that appeal is pending.

Considerations for Congress

A number of legislators have taken actions in response to these regulatory efforts to curtail offshore wind energy. For example, in December 2025 some Members on the Senate Environment and Public Works Committee announced that they would halt broader permitting reform talks due to the promulgation of the suspension orders. Other legislators have reportedly also expressed interest in further exploring the suspension orders and other matters related to renewable energy.

The leasing of offshore areas for wind energy development and production is governed by the OCSLA and managed by BOEM pursuant to that statute and the regulations it has adopted to administer the program. If Congress wishes to clarify, limit, or expand the agency's authority to regulate permitted offshore projects, it could do so by amending the OCSLA or other relevant laws. Legislators may also be wary of the potential of some actions to trigger breach of lease terms or an unconstitutional taking of property with respect to existing leasehold or other property interests.

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