

# United States Senate

WASHINGTON, DC 20510

April 14, 2026

The Honorable Jerry Moran  
Chair  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Chris Van Hollen  
Ranking Member  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Lisa Murkowski  
Chair  
Subcommittee on Interior, Environment, and  
Related Agencies  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Jeff Merkley  
Ranking Member  
Subcommittee on Interior, Environment, and  
Related Agencies  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Bill Hagerty  
Chair  
Subcommittee on Financial  
Services and General Government  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Jack Reed  
Ranking Member  
Subcommittee on  
Financial Services and General Government  
U.S. Senate Committee on Appropriations  
Washington, DC 20510

Dear Chair Murkowski, Chair Moran, Chair Hagerty, Ranking Member Merkley, Ranking Member Reed, and Ranking Member Van Hollen,

As you consider funding for Fiscal Year (FY) 2027, we write to request that you include language in appropriations legislation that would prohibit the use of taxpayer funds to stop the construction of offshore wind energy facilities. This request follows the Trump administration's announcement that it would pay TotalEnergies, a French energy company, nearly \$1 billion *not* to build two offshore wind farms off the East Coast of the United States. Such payments, which may be unlawful, are a gross misuse of taxpayer dollars that will decrease our energy independence, increase U.S. reliance on volatile and expensive fossil fuels, destroy good-paying jobs, and raise costs for U.S. energy consumers.

On March 23, 2026, the Trump administration announced that it will pay TotalEnergies \$928 million to forfeit its leases in federal waters for two wind farms that would have been built

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off the coast of New York and North Carolina.<sup>1</sup> Patrick Pouyanné, the Chairman of the Board of Directors and Chief Executive Officer of TotalEnergies, has characterized the deal as a “settlement agreement” and the payment as a “refund” of the lease fees.<sup>2</sup> According to the Department of the Interior’s press release announcing the deal, TotalEnergies will invest the \$928 million—the amount it paid for the two offshore wind leases in 2022—in U.S. oil and gas production and exportation.<sup>3</sup> But TotalEnergies had already planned expenditures for these oil and gas investments, which means that U.S. taxpayer dollars will simply be bankrolling a foreign company’s operations.<sup>4</sup> This includes TotalEnergies’ plan to develop a Texas liquefied natural gas export facility—effectively using U.S. public funds to ship American energy overseas and expose American families to higher and more volatile prices.

The Administration’s legal authority to cancel the leases and refund TotalEnergies, as well as the source of the funding, remains unclear. Neither the Administration nor TotalEnergies has released any documentation of the deal. And the Administration has not responded to recent inquiries for details.<sup>5</sup> Under Bureau of Ocean Energy Management (BOEM) regulations, the Secretary of the Interior is allowed to terminate a lease agreement if the leaseholder violates the terms,<sup>6</sup> and leaseholders are also allowed to voluntarily relinquish their leases.<sup>7</sup> But the law does not provide for refunds to leaseholders and nowhere states that leaseholders are entitled to their money back.

Further, according to a former BOEM director, the revenue the Department of Interior brought in from the 2022 lease sale went to the U.S. Treasury’s General Fund.<sup>8</sup> Under the U.S. Constitution’s Appropriations Clause, “[n]o money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”<sup>9</sup> This means that the Department of Interior

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<sup>1</sup> Maxine Joselow and Brad Plumer. *Trump Administration to Pay \$1 Billion to Energy Giant to Cancel Wind Farms*. N.Y. Times (Mar. 23, 2026), <https://www.nytimes.com/2026/03/23/climate/offshore-wind-gas-trump-total.html>.

<sup>2</sup> Press Release, U.S. Dep’t of the Interior, Interior and TotalEnergies Agree to End Offshore Wind Projects, Lowering Costs for American Families (Mar. 23, 2026), <https://www.doi.gov/pressreleases/interior-and-totalenergies-agree-end-offshore-wind-projects-lowering-costs-american>.

<sup>3</sup> *Id.*

<sup>4</sup> Ryan Cooper, *Trump’s Billion-Dollar French Boondoggle Gets Even Dumber*, American Prospect (Mar. 26, 2026), <https://prospect.org/2026/03/26/trump-billion-dollar-totalenergies-natural-gas-wind-power/>.

<sup>5</sup> Markey, *Ocasio-Cortez Blast Trump Administration Attempt to Pay \$1 Billion in Taxpayer Funding to Kill Offshore Wind Projects*. Office of Senator Ed Markey, (Mar. 31, 2026), <https://www.markey.senate.gov/news/press-releases/markey-ocasio-cortez-blast-trump-administration-attempt-to-pay-1-billion-in-taxpayer-funding-to-kill-offshore-wind-projects>

<sup>6</sup> 30 C.F.R. § 585.422.

<sup>7</sup> *Id.* § 585.435.

<sup>8</sup> Emily Pontecorvo. *What We Don’t Know About Trump’s \$1 Billion Deal With Total Could Kill It*. Heatmap News, (Mar.26, 2026) <https://heatmap.news/energy/trump-total-offshore-wind-deal>.

<sup>9</sup> U.S. Const. art. I, § 9, cl. 7.

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cannot pay TotalEnergies \$928 million—whether characterized as lease refunds or oil and gas subsidies—without a congressional appropriation.

If the payment to TotalEnergies is considered a “settlement” instead, there is still no legal basis for it. On January 20, 2025, President Trump issued an executive order directing all federal agencies to halt all new wind energy permits, leases, and approvals.<sup>10</sup> Several states sued, challenging the order. On December 8, 2025, a federal district court sided with the plaintiffs and vacated the order.<sup>11</sup> Therefore, while that order is on appeal, it seems unlikely that the Administration could lawfully make a payment to TotalEnergies from the “judgment fund” in settlement of threatened litigation for halting its offshore wind permitting. And regardless, the “judgement fund” is available only for specified judgments and compromise settlements; it is not a blank check for agencies to finance policy-driven buyouts that lack clear statutory authorization.<sup>12</sup>

The Administration’s legally dubious TotalEnergies payoff comes at a time when Americans’ energy bills are skyrocketing. Electricity bills have risen as much as 13 percent since the start of this Administration and the price of a gallon of gasoline has climbed by more than \$1.00 per gallon since President Trump attacked Iran. In these conditions, the Administration’s plan to deprive Americans of a clean, affordable, reliable energy source—all while subsidizing a foreign energy company’s operations—is even more nonsensical. Yet President Trump’s efforts to destroy offshore wind defy law and logic—including a now judicially-halted attempt to stop work on five fully permitted and under-construction offshore wind projects.<sup>13</sup>

Congress should expressly prohibit the use of any appropriated funds to fulfill President Trump’s unlawful vendetta against offshore wind. Offshore wind is already delivering clean, affordable, reliable power for hundreds of thousands of homes and employing many thousands of union workers—numbers that could increase significantly without President Trump’s intervention. We therefore urge the Committee to include language in the FY 2027 Interior, Environment, and Related Agencies, the FY 2027 Financial Services and General Government, and the FY 2027 Commerce, Justice, Science, and Related Agencies appropriations bills to prohibit the use of public funds for any payment, reimbursement, refund, settlement,

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<sup>10</sup> Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects, 90 Fed. Reg. 8363 (Jan. 20, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01966.pdf>.

<sup>11</sup> Erika Kranz, Federal Court Vacates Wind Energy Authorization Pause, Environmental & Energy Law Program at Harvard Law School (Dec. 16, 2025), <https://eelp.law.harvard.edu/federal-court-vacates-wind-energy-authorization-pause/>.

<sup>12</sup> 31 U.S.C. § 1304

<sup>13</sup> Press Release, EDF, Courts Strike Down All Five Stop-Work Orders for Offshore Wind Projects (Feb. 22, 2026), <https://www.edf.org/media/courts-strike-down-all-five-stop-work-orders-offshore-wind-projects>.

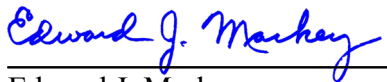
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indemnification, or other compensation related to the relinquishment or cancellation of federal offshore wind leases.

Thank you for your consideration of this important request. The trust of the American public and the fair use of taxpayer dollars depends upon our ability to ensure that federal agencies do not engage in legally questionable and opaque deals with foreign private companies, especially when those deals will decrease our energy independence, raise costs at home, and simply defy common sense.

Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Sheldon Whitehouse  
United States Senator



Christopher S. Murphy  
United States Senator



Kirsten Gillibrand  
United States Senator



Peter Welch  
United States Senator



Bernard Sanders  
United States Senator



Cory A. Booker  
United States Senator