

# Congress of the United States

Washington, DC 20515

May 12, 2026

The Honorable Pete Hegseth  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000 The

Honorable Dale R. Marks  
Assistant Secretary of Defense  
Energy, Installations, and Environment  
Attn: Installations & Environment  
Department of Defense  
3010 Defense Pentagon  
Washington, DC 20301-3010

## **Re: Delays in Completing and Transmitting Mitigation Agreements for Wind Energy Project Construction**

Dear Secretary Hegseth and Assistant Secretary Marks:

We write to express our deep concerns that the Department of Defense's (Department's) process for wind energy projects has effectively resulted in a de facto moratorium on new development. Developers report that the process has stalled at all stages of the Department's review process, including initial determinations of whether there is a presumed risk, mitigation negotiations for projects determined to present such a risk, execution of mitigation agreements, countersignature by the Assistant Secretary on final agreements, and the issuance and transmittal of those determinations to the Federal Aviation Administration (FAA). Delaying the construction of new energy projects threatens both American energy independence and national security, and it is critical for mitigation agreements to be completed in an efficient manner.

Because all land-based wind energy projects are referred by the FAA to the Department—and the FAA will not issue a final determination absent a transmittal back from the Department—these breakdowns effectively halt all new projects. Developers cannot proceed to construction without an FAA determination of no hazard, as doing so creates unacceptable liability risk. The continued functioning of this process is essential to safeguarding national and energy security by enabling wind energy development.

Congress directed the Department to create a Military Aviation and Installation Assurance Siting Clearinghouse (SCH) to evaluate the impacts of proposed energy projects, including wind, on military operations and readiness. The expectation was that any identified risks would be addressed through mitigation—not by halting projects outright unless mitigation is not possible, which has occurred only in exceedingly rare instances. Historically, this process functioned in a routine, expedited, and predictable manner. Many projects quickly determined to present 'no hazard,' and where potential impacts were identified, developers worked with the Department to implement mitigation measures, typically through standardized agreements. These agreements were then transmitted to the FAA to inform its determination regarding construction in the national airspace, enabling the safe and efficient development of wind energy.

That process has effectively ceased functioning. Developers report that mitigation discussions are not being scheduled or are being canceled without rescheduling; draft mitigation agreements are no longer being issued even after successful negotiations; and executed agreements are not being countersigned or transmitted to FAA. Even where projects pose no identified risk and determinations would typically be routine administrative clearances by the Department in the FAA system, there are reports that such determinations are not being provided to the FAA.


Taken together, these actions have effectively brought the entire Departmental review process for wind energy projects, and other energy infrastructure like transmission towers, to a standstill. Nearly 200 projects are currently stalled in the Department's review pipeline, including at least 35 that are just waiting on a Department countersignature on a fully negotiated mitigation agreement, at least 30 that have successfully completed verbal mitigation negotiations with career uniformed personnel in the affected service but are waiting on the Department to send the draft agreement, and the balance of which are impacted by the cancellation of mitigation response team meetings and the failure to process any Department clearances in the FAA system. As a result, the Department's process is not only affecting projects requiring mitigation, but also preventing advancement of the many projects that present no risk to military operations and readiness.

Bringing these projects online would enhance American energy independence and support national security through helping to meet rising energy demand, which would lower energy costs for consumers while supporting grid reliability. American Clean Power Association (ACP), a trade organization of energy developers, estimates that preventing the construction of new wind energy would cost the U.S. electricity system an additional \$361 billion over the next 25 years. These stalled projects represent at least 30 gigawatts of wind energy capacity at risk, approximately \$54 billion in capital investment, and roughly 150,000 jobs. At a time when energy prices are rising, we need to be working across the federal government to ensure we are building energy generation efficiently and safely. We urge the Department to join us in this effort and complete the mitigation agreements.

While we recognize that the Department's review of potential impacts on military operations and readiness is an important and complex responsibility, the current situation represents an unexplained and significant departure from longstanding practice. We request a prompt classified briefing to understand the basis for these developments, including any new policies, guidance, or review frameworks contributing to this outcome, as well as the steps and timeline for restoring the review process. Given the breadth and impact of these disruptions, timely clarification and corrective action are critical.

Sincerely,

  
Seth Magaziner  
Member of Congress

  
Dan Goldman  
Member of Congress



Sharice L. Davids  
Member of Congress



Danny K. Davis  
Member of Congress



Paul D. Tonko  
Member of Congress



Nanette Diaz Barragán  
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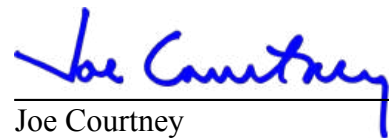
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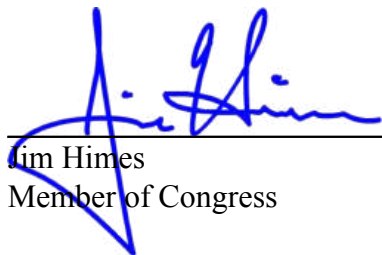
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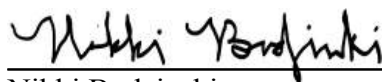
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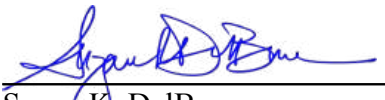
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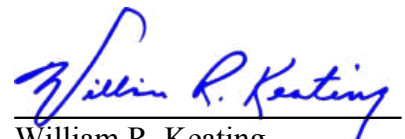
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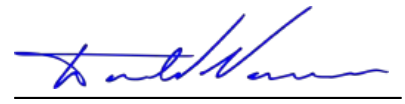
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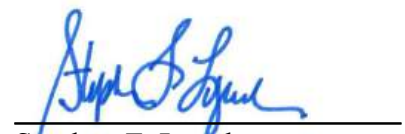
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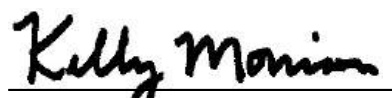
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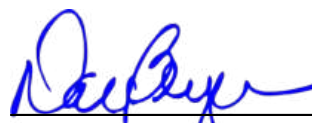
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