November 5, 2026

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Hakeem Jeffries
House Minority Leader
2267 Rayburn House Office Building
Washington, D.C. 20515

Re: Oppose the Data Center Power Grab Permitting Reform Agreement

Dear Leader Schumer, Leader Jeffries, and Members of the U.S. Senate and House of Representatives:

On behalf of more than 200 organizations and our millions of members and supporters, we strongly oppose the Bipartisan American Affordability and Jobs Act of 2026. This back-door deal is a massive power grab by Big Tech and the fossil fuel industry. It will spur a mass buildout of AI data centers and the polluting gas pipelines and power plants that fuel them, while stripping communities and states of the tools to push back against these widely unpopular and harmful projects and related infrastructure.

This deal will drive a massive buildout of data centers and their fuel of choice: fracked gas.

The projects most likely to benefit from so-called "permitting reform" are gas plants and the data centers driving their demand. Data centers require enormous amounts of power, and natural gas is the chosen energy source as the facilities can be constructed quickly and utilities have strong financial incentives to build generation as quickly as possible to serve these large loads. For instance, Kentucky Utilities and LG&E have proposed upwards of $3.7 billion in new gas generation totaling 1.3 gigawatts, while Duke Energy plans 9 gigawatts.[1]

The amount of gas generation being developed specifically to serve data centers has exploded from roughly 4 gigawatts in early 2024 to more than 189 gigawatts today.[2] Permitting reform will only accelerate this trend, adding to an already massive queue of gas projects—if all of the gas capacity currently in the pipeline at the end of last year were to be built, it would expand the U.S. gas fleet by nearly 50 percent.[3] Further, by 2035, data centers could consume 15 billion cubic feet per day of gas, raising the U.S. power sector's gas demand by more than 50% above

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[1] Ethan Howland, PPL's Kentucky Utilities Propose 1.3 GW of Gas, 400 MW of Storage to Meet Data Center Load, *Utility Dive* (Mar. 3, 2025), https://www.utilitydive.com/news/ppl-kentucky-psc-ku-gas-storage-data-center/741351/; Tanay Dhumal, Duke Energy Forecasts Higher 2026 Profit on Strong Power Demand, *Reuters* (Feb. 10, 2026), https://www.reuters.com/business/energy/duke-energy-forecasts-higher-2026-profit-strong-power-demand-2026-02-10/.

[2] Molly Taft, Data Centers Are Driving an Alarming Gas Power Expansion in the US, *WIRED* (Aug. 25, 2026), https://www.wired.com/story/us-data-centers-drive-gas-power-expansion/.

[3] Jenny Martos, Betting Big on Data Centers, U.S. Now Leads World for New Gas Power Development, *Global Energy Monitor* (Jan. 2026), https://globalenergymonitor.org/research/betting-big-data-centers-us-now-leads-world-new-gas-power-development.

2025 levels.[4] Permitting reform will not accelerate clean energy development, but rather will make it easier to build the data centers demanding enormous amounts of electricity, the gas plants, and the pipelines that would deliver gas to those plants.

The deal would further accelerate this buildout by streamlining permits for pipelines, transmission lines, and other infrastructure, weakening states' and Tribes' authority under Section 401 of the Clean Water Act, limiting federal review and opportunities to challenge projects in court, and thereby making it easier to build the gas infrastructure needed to power data centers. The bill's behind-the-meter provisions will also make it more profitable to power data centers with natural gas, allowing gas-fired plants built to serve data centers to sell excess power and grid services, while its "project certainty" provisions risk keeping that infrastructure online even if a data center is never built or no longer needs the power. This agreement effectively creates a backdoor for fossil fuels to enter the grid, locking communities and our energy system into more polluting gas infrastructure. The Stratos project in Utah and the Desert Southwest expansion across New Mexico, Arizona, and Texas would benefit from these arrangements.

This deal will strip communities of fundamental democratic rights while fast-tracking the hyperscale data center and fossil fuel projects that threaten them.

Communities around the country already face unprecedented secrecy around AI hyperscale data center development, with non-disclosure agreements shutting the public out of decision-making that will directly impact their health, access to clean air and water and utility costs. Democratic decision-making depends on people's ability to access information, participate meaningfully in decisions that affect them, and hold government and corporations accountable. This deal deepens the existing lack of transparency by stripping away some of the few tools communities have to scrutinize and challenge harmful infrastructure. Black, Brown and Indigenous communities, which have long borne a disproportionate share of harmful industrial development, already have too few opportunities to take part in these decisions. The deal would weaken their voice further by making projects harder to challenge, narrowing who can bring a challenge, and limiting the ability of states, Tribes, and courts to review or halt harmful projects.

The bill guts judicial review, weakens the Clean Water Act, the National Historic Preservation Act, and the National Environmental Policy Act, and enacts sweeping permit-certainty provisions, all designed to make dirty data center projects harder to challenge and easier to rubber-stamp. By curtailing statutes of limitations and injunctions, making approvals effectively irreversible, and creating a new cause of action based on alleged "disparate treatment," the bill would make it virtually impossible to stop data centers or the polluting infrastructure that powers them.

The deal would also prevent future administrations from delaying or blocking permits for entire classes of energy projects. Even if a future administration and Congress wanted to protect

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[4] Julian Hast, U.S. Data Centers Set to Burn More Natural Gas Than Most Nations, *Bloomberg* (Sept. 14, 2026), https://www.bloomberg.com/news/articles/2026-09-14/us-data-centers-set-to-burn-more-natural-gas-than-most-nations.

communities, move away from dirty energy, and slow or stop this buildout, they would be barred from doing so.

This deal will not protect ratepayers and the data center buildout will have massive public health consequences for communities.

Despite sponsors' claims of affordability, the bill's limited ratepayer protections do not ensure that companies pay all data center costs or that household bills will fall. While the bill puts some guardrails on shifting the incremental cost of transmission projects, it leaves communities facing a litany of other costs from data center expansion, including broader electricity system costs, water infrastructure demands, and pollution. Meanwhile, provisions that fast-track generator interconnections, pipeline permitting, and grid planning will speed data center growth and the energy infrastructure it requires, compounding the harms and costs borne by the public.

Data centers already contribute to local air pollution through the fossil-generated electricity they consume and the on-site and backup diesel generators they rely on. Air pollution from fossil fuel plants in the U.S. costs each American an average of $2,500 a year, totaling $820 billion annually, and leads to more than 107,000 premature deaths.[5] Researchers at UC Riverside and Caltech estimate that air pollution associated with AI computing alone could cause more than 1,500 premature deaths annually in the United States by 2030.[6]

Yet this deal does nothing to strengthen Clean Air Act oversight of on-site generation or to address pollution from the fossil fuel infrastructure being built to serve these facilities. Instead, it would lock in gas infrastructure and its emissions for decades while accelerating a buildout that is already increasing pollution and burdening communities facing disproportionate environmental health risks.

We urge you to reject this deal, reject the data center and gas buildout, and protect communities.

We urge you to oppose the Bipartisan American Affordability and Jobs Act of 2026. Communities do not need more data centers or more polluting energy to power them. They need their rights and their health protected, not gambled away as a gift to corporations.

Sincerely,

AI Now Institute
Center for Biological Diversity
Climate Justice Alliance
Food & Water Watch
Free Press Action
GreenLatinos

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[5] Miguel Yañez-Barnuevo, Data Centers Are Hotbeds of Health Risks, *Environmental & Energy Study Institute* (July 27, 2026), https://www.eesi.org/articles/view/data-centers-are-hotbeds-of-health-risks.

[6] Air Pollution and the Public Health Costs of AI, *Caltech* (Dec. 10, 2024), https://www.caltech.edu/about/news/air-pollution-and-the-public-health-costs-of-ai.

Indigenous Environmental Network
Oil Change International
Our Revolution
Physicians for Social Responsibility
Science Environmental Health Network
Third Act
198 methods
350 Bay Area Action
350 Conejo / San Fernando Valley
350 Triangle
350 Yakima Climate Action
350Brooklyn
350Hawaii
350PDX
A2 (Anthropocene Alliance)
AFGE Local 704
Alliance for Nuclear-Free NY
Alliance of Californians For Community Empowerment (ACCE)
American Sustainable Business Network
Animals Are Sentient Beings, Inc
Autistic Women & Nonbinary Network
Baltimore, MD Phil Berrigan Memorial Veterans For Peace
Bend Privacy Alliance
Better Path Coalition
Between the Waters
Beyond Extreme Energy
Black Lives Matter Louisville
Black Voters Matter Fund
Bucks Environmental Action
Cascadia Climate Action Now
Center for Community Action and Environmental Justice (CCAEJ)
Center for Organizing
Center for Progressive Reform
Center on Race, Poverty, and the Environment
Central California Environmental Justice Network
Cherokee Concerned Citizens
Church Women United in New York State
Clean Air Council
Clean Energy Action
Clean Water for NC
Clean Water for North Carolina
Clean, Healthy, Educated, Safe & Sustainable Community, Inc.
Climate Conversation Brazoria County
Climate Defenders
Climate Families NYC
CODEPINK

Common Ground Rising
Community Alliance for Global Justice
Compressor Free Franklin
Consumer Federation of America
Cook Inletkeeper
Court Nativity of Our Lady #931 CDA
CURE
Delaware Riverkeeper Network
Dogwood Alliance
Earth Action, Inc.
Earth Ethics, Inc.
EarthCare Animal Ministry at Unity of Buffalo
Earthworks
Education, Economics, Environmental, Climate and Health Organization
El Mesias UMC
Elmirans and Friends Against Fracking
Environmental Advocates Mississippi
Environmental Issues Team of Indivisible Santa Cruz County
Environmental Justice Task Force
Environmental Transformation Movement of Flint
Ethical And Respectful Treatment of Humans (EARTH)
Extinction Rebellion SWCT
Families Advocating For Chemical and Tech Safety
Flint Rising
Fox Valley Citizens for Peace & Justice
Frack Action
Fridays for Future USA
Friends of Bell Smith Springs
Friends of the Earth US
Gila Resources Information Project
Grassroots Global Justice Alliance
Great Egg Harbor Watershed Association
Green Amendments For The Generations
Green America
Green State Solutions
GreenFaith
Greenpeace USA
Habitat Recovery Project
HALT Taylor Data Centers
Health Professionals for a Healthy Climate
Hill Heat
Honor the Earth
Idaho Organization of Resource Councils
Income Movement
Indigenous Lifeways
Institute for Policy Studies Climate Policy Program

International Marine Mammal Project of Earth Island Institute
Intheshadowofthewolf
John Muir Project
Kairos Action
Kentuckians For The Commonwealth
Labor Tech Research Network
LaPlaca and Associates LLC
Little Lakes Sustainability Network
Long Beach Alliance for Clean Energy
Maine Unitarian Universalist State Advocacy Network
Maureen Fleming Company
Media Alliance
MediaJustice
Michigan Environmental Justice Coalition (MEJC)
Milwaukee Riverkeeper
Mossville Environmental Action Now MEAN
Move Past Plastic (MPP)
MOveOn.org HobokenRESIST!
Mukwa
Mumbets Freedom Farm
Muslims for Just Futures
National Nurses United
NC Alliance to Protect Our People and the Places We Live
NC Climate Justice Collective
NC Environmental Justice Network
New York Communities for Change
New York Public Interest Research Group (NYPIRG)
No Data Center 502
No Desert Data Center Coalition
No False Climate Solutions PA
No Landover Data Center Movement
North American Climate, Conservation and Environment(NACCE)
Northeast Organic Farming Association of New York
Northeast Organic Farming Association of Vermont (NOFA-VT)
NY Progressive Action Network, enviro committee
NYPAN enviro committee
Occupy Bergen County
Ohio Nuclear Free Network
Oil and Gas Action Network
Oregon Physicians for Social Responsibility
Organized Uplifting Resources & Strategies (OURS)
Otsego 2000, Inc.
Partnership for Policy Integrity
Pelea Movement
People for a Healthy Environment
People Power United

People's Justice Council
PODER
Port Arthur Community Action Network(PACAN)
Private Equity Stakeholder Project
Progressive Democrats of America (PDA)
Progressive Technology Project
Progressives for Climate
Property Rights and Pipeline Center
Protect Candler County, Georgia
Protect Catlett
Protect Decatur Township
Protect PT
Protect Statesboro
Putnam Progressives
Reclaim Our Power
Reclaim Our Power: Utility Justice Campaign
RiSE for Environmental Justice
Rockland Coalition to End the New Jim Crow
Rural Arizona Action
San Francisco Bay Physicians for Social Responsibility
SanDiego350
Sane Energy Project
Santa Cruz Climate Action Network
Save Our Backyards WNY
Save Our Illinois Land
Science and Environmental Health Network
Seneca Lake Guardian
Stop the (Constitution) Pipeline
Summit Neighbors Inc.
Sun Tracker Farm
Sunflower Alliance
Sustain SJ
TechTonic Justice
Texas Campaign for the Environment
The Clean Air Coalition of Western New York
The Park Church in Elmira
The Raices Collab Project
The Society of Native Nations
The Sunrise Movement Austin Hub
The Water Collaborative of New Orleans
The Wei LLC
Therapists for Peace & Justice
Third Act Faith
Third Act Georgia
Tucker United
Turtle Island Restoration Network

U.S. Climate Action Network
Unitarian Universalist Action New Hampshire
Unitarian Universalist Association (UUA)
Unitarian Universalist Justice Pennsylvania (UUJPA)
Unitarian Universalist Ministry for Earth
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
Unite Armstrong
Until Justice Data Partners
Vessel Project of Louisiana
Virginia Citizens Consumer Council
Virginia Interfaith Power & Light
Voices for A Sustainable Future
Washington AI Resistance (WAAIR)
Waterfall Unity Alliance
Waterspirit
WE ACT for Environmental Justice
West End Revitalization Association
Westchester for Change
WildEarth Guardians
Youth United for Climate Crisis Action
Zero Waste Ithaca