Request to Amend S. 5653 (BAAJA) to NYS Climate Law & Protect Clean Water

Dear Members of the New York Congressional Delegation:

As members of the New York State Legislature, we write to express our concern regarding provisions of S. 5653, the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA). Currently, **this bill is at odds with New York's climate law by facilitating natural gas consumption and limiting New York State's ability to regulate new natural gas infrastructure in the interest of New Yorkers.** Further, it would curtail opportunities for communities to participate in decisions that may affect their health and environment.

New Yorkers understand the importance of modernizing our electric grid, building needed infrastructure, and addressing the climate crisis. Efforts to streamline permitting must not come at the expense of transparency, public engagement, environmental protection, or effective oversight.

BAAJA curtails the authority under the Clean Water Act used by New York State in 2025 to require 50+ water quality protection conditions on the Northeast Supply Enhancement (NESE) Pipeline. Under BAAJA's Clean Water Act framework, those conditions would be harder to impose, and denial of certifications (which New York used in the past for less protective iterations of NESE) would be equally difficult.

Provisions that make gas even more quickly accessible could accelerate the current "speed-to-power" rush to fuel data centers with gas. Increasingly, data center developers are opting to pipe gas directly on site for behind the meter power,[1] polluting nearby communities.

The permitting framework set forth in BAAJA helps to accelerate buildout for the final two years of the Trump Administration, without sufficient guardrails to ensure the offshore wind projects needed in New York will not be delayed in the meantime. In fact, when asked whether he would permit wind projects if this bill was passed, President Trump quite literally said he would not.[2]

We urge you to protect the public's right to participate in permitting decisions, preserve meaningful environmental review, and maintain effective mechanisms for oversight and

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[1] Earthjustice and Better Data Center Project. "The AI Gas Rush: Risks and Implications of 'Bring Your Own Power'." https://earthjustice.org/wp-content/uploads/2026/10/the-ai-gas-rush-risks-of-byop_full-report-with-cover.pdf

[2] Scott Waldman, "Trump says he will not approve wind permits as part of permitting bill," Politico, November 9, 2026, https://www.politico.com/news/2026/11/09/trump-says-he-will-not-approve-wind-permits-as-part-of-permitting-bill-01157629

accountability in our federal environmental laws. We respectfully ask that you insist on meaningful revisions to these provisions before supporting a final package.

Thank you for your consideration and for your continued service to the people of New York.

Sincerely,



Peter B. Harckham
Senator, 40th Senate District



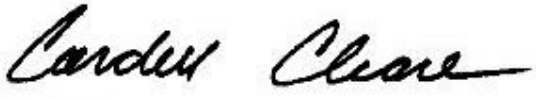
Dana Levenberg
Assemblymember, 95th District



Samra Brouk
Senator, 55th District



Michelle Hinchey
Senator, 41st Senate District



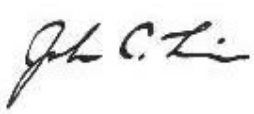
Cordell Cleare
Senator, 30th Senate District



Liz Krueger
Senator, 28th Senate District



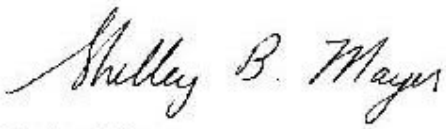
Leroy Comrie
Senator, 14th Senate District



John Liu
Senator, 16th Senate District



Nathalia Fernandez
Senator, 34th Senate District



Shelley Mayer
Senator, 37th Senate District



Kristen Gonzalez
Senator, 59th Senate District



Roxanne Persaud
Senator, 19th Senate District



Gustavo Rivera
Senator, 33rd Senate District



Chris Burdick
Assemblymember, 93rd District



Julia Salazar
Senator, 18th Senate District



Patrick J. Carroll
Assemblymember, 96th District



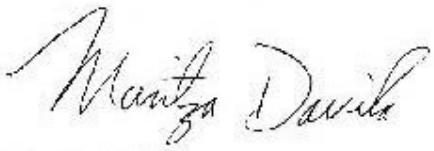
James Sanders
Senator, 10th Senate District



Sarah Clark
Assemblymember, 136th District



Luis Sepulveda
Senator, 32nd Senate District



Maritza Davila
Assemblymember, 53rd District



Leah Webb
Senator, 52nd Senate District



Jeffrey Dinowitz
Assemblymember, 81st District



Emily Gallagher
Assemblymember, 50th District



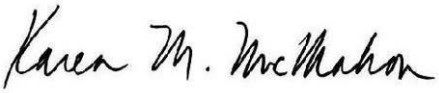
Karines Reyes, RN
Assemblymember, 87th District



Dr. Anna Kelles
Assemblymember, 125th District



Linda Rosenthal
Assemblymember, 67th District



Karen McMahon
Assemblymember, 146th District



Rebecca A. Seawright
Assemblymember, 76th District



Diana C. Moreno
Assemblymember, 36th District



MaryJane Shimsky
Assemblymember, 92nd District



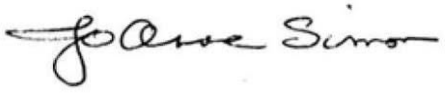
Steven Otis
Assemblymember, 91st District



Sarahana Shrestha
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Amy Paulin
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Jo Anne Simon
Assemblymember, 52nd District



Michaelle C. Solages
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Al Stirpe, Jr.
Assemblymember, 127th District