

Oppose the Permitting Reform Data Center Power Grab

October 13, 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

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

On behalf of our 185 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 2025 levels.⁴ Permitting reform will not accelerate

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>.

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>.

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 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. 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.

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,

Original Signatories

AI Now Institute

Center for Biological Diversity

Climate Justice Alliance

Food & Water Watch

Free Press Action

GreenLatinos

Indigenous Environmental Network

Oil Change International

Our Revolution

Physicians for Social Responsibility

Science Environmental Health Network

Third Act

National Signatories

AI Now Institute

Animals Are Sentient Beings, Inc

Autistic Women & Nonbinary Network
Beyond Extreme Energy
Black Voters Matter Fund
Center for Biological Diversity
Center for Organizing
Center for Progressive Reform
Climate Defenders
Common Ground Rising
Concerned Citizen
Consumer Federation of America
Dogwood Alliance
Earthworks
Food & Water Watch
Free Press Action
Fridays for Future USA
Friends of the Earth US
Grassroots Global Justice Alliance
Green Amendments For The Generations
Green America
GreenFaith
GreenLatinos
Greenpeace USA
Income Movement
Indigenous Environmental Network
Institute for Policy Studies Climate Policy Program
Intheshadowofthewolf
John Muir Project

LaPlaca and Associates LLC
Maureen Fleming Company
MediaJustice
Mossville Environmental Action Now
MEAN
Muslims for Just Futures
National Nurses United
Oil and Gas Action Network
Oil Change International
Organized Uplifting Resources & Strategies (OURS)
Our Revolution
Partnership for Policy Integrity
People Power United
Physicians for Social Responsibility
Private Equity Stakeholder Project
Progressive Democrats of America (PDA)
Progressive Technology Project
Progressives for Climate
Property Rights and Pipeline Center
Science and Environmental Health Network
TechTonic Justice
Third Act
Third Act Faith
Turtle Island Restoration Network
U.S. Climate Action Network
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice

Until Justice Data Partners
Voices for A Sustainable Future

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All Signatories

AFGE Local 704
AI Now Institute
Alliance for Nuclear-Free NY
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
Center for Biological Diversity
Center for Community Action and
Environmental Justice (CCA EJ)
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

Clackamas County DSA
Clean Air Council
Clean Energy Action
Clean Water for North Carolina
Clean, Healthy, Educated, Safe &
Sustainable Community, Inc.
Climate Conversation Brazoria County
Climate Defenders
Climate Families NYC
Common Ground Rising
Community Alliance for Global Justice
Compressor Free Franklin
Consumer Federation of America
Court Nativity of Our Lady #931 CDA
CURE
Delaware Riverkeeper Network
Dogwood Alliance
Earth Ethics, Inc.
EarthCare Animal Ministry at Unity of
Buffalo
Earthworks
Education, Economics, Environmental,
Climate & Health Organization (EEECHO)
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
Extinction Rebellion SWCT
Families Advocating For Chemical and
Tech Safety
Flint Rising
Food & Water Watch
Fox Valley Citizens for Peace & Justice
Frack Action
Free Press 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
GreenLatinos
Greenpeace USA
Habitat Recovery Project
HALT Taylor Data Centers
Honor the Earth

Idaho Organization of Resource Councils
Income Movement
Indigenous Environmental Network
Indigenous Lifeways
Institute for Policy Studies Climate Policy
Program
International Marine Mammal Project of
Earth Island Institute
Intheshadowofthewolf
John Muir Project
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 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

Oil Change International

Organized Uplifting Resources &
Strategies (OURS)

Otsego 2000, Inc.

Our Revolution

Partnership for Policy Integrity

Pelea Movement

People for a Healthy Environment

People Power United

People's Justice Council

Physicians for Social Responsibility

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 PT

Protect Statesboro

Putnam Progressives

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.

Sunflower Alliance

Sustain SJ

TechTonic Justice

The Clean Air Coalition of Western New York

The Park Church in Elmira

The Raices Collab Project

The Third Act

The Water Collaborative of New Orleans

The Wei LLC

Therapists for Peace & Justice

Third Act

Third Act Faith

Third Act Georgia

Turtle Island Restoration Network

U.S. Climate Action Network

Unitarian Universalist Action New Hampshire

Unitarian Universalist Service Committee

Unitarian Universalists for Social Justice

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

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350 Bay Area Action

350 Conejo / San Fernando Valley

350 Triangle

350Brooklyn

350Hawaii

350PDX

7 Directions of Service