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

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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.

[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 (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

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 Conejo / San Fernando Valley

350 Triangle

350Brooklyn

350Hawaii

350PDX

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