Following Historic Elections, Environmental & Conservation Groups Urge Senate to Reject Lame-Duck Permitting Deal

Groups warn legislation could lock in fossil fuel development, threaten public lands and waters and accelerate data center expansion before newly elected lawmakers take office

Nov. 9, 2026, WASHINGTON, D.C. — Ahead of Monday's scheduled cloture vote on the motion to proceed to debate Bipartisan American Affordability and Jobs Act (S. 5653) a group of leading environmental and conservation organizations sent a joint letter urging the Senate to reject a sweeping permitting bill that would severely undermine Tribal sovereignty, and bedrock environmental, public lands, waters, wildlife, ocean, and historic preservation laws. The groups additionally argue that in light of the historic mid-term elections lawmakers should not needlessly rush through far-reaching, permanent changes to core laws before newly elected members have an opportunity to participate in negotiations. The full text of the letter follows.

November 9, 2026

Dear Senator,

On behalf of our millions of members and supporters, the undersigned organizations write to express our opposition and to ask you to **vote "no"** on S. 5653, the Bipartisan American Affordability and Jobs Act ("BAAJA").

The elections on November 3rd sent a clear message from the American public denouncing the administration's actions over the past two years and, in states across the country, rejecting the accelerated proliferation of data centers. Contrary to that undeniable mandate from voters, BAAJA would instead expand this administration's authority and speed up the permitting of data centers, oil and gas drilling, and mining projects, among other types of industrial development.

We strongly encourage you to heed the public's wishes and advance energy infrastructure needs and an affordability agenda without making false and unnecessary trade-offs that severely undermine Tribal sovereignty and our bedrock environmental, public lands, waters, wildlife, ocean, and historic preservation laws. The United States must take steps to address transmission reform, but we do not believe that should be done at the expense of permanent changes to judicial review, Tribal consultation, and community input—or by sacrificing cultural resources, wildlife and cherished landscapes across the country.

The new senators-elect and new representatives-elect, many of whom just earned the opportunity and responsibility to speak for states and districts that have not had their perspectives reflected in this bill's negotiation, deserve to be a part of the process, as do the committees of jurisdiction and the American public.

While each of the signatories below approach BAAJA from various perspectives and may focus on different sections of the bill, we all oppose passage of this flawed legislation during the lame duck session of this Congress.

We urge you to oppose and vote "no" on the motion to proceed, and to vote "no" on passage of the underlying legislation.

Sincerely,

Andrew Bowman, President and CEO, Defenders of Wildlife

Abigail Dillen, President, Earthjustice Action

Erich Pica, President, Friends of the Earth

Mark D. Magaña, Founding President & CEO, GreenLatinos

Sarah Guy, Executive Director, Ocean Defense Initiative

Beth Lowell, Vice President, United States, Oceana

Tracy Stone-Manning, President, The Wilderness Society

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