Democrats join Trump in pushing “affordability” bill backed by oil and gas lobbyists

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Just over two weeks after millions voted to oust the Republicans from control of Congress, leading Senate Democrats have joined the Trump administration in pressing the outgoing Republican majority to weaken some of the country’s most important environmental laws. The measure, which Senate Majority Leader John Thune promoted on the floor Thursday, bears the title “Bipartisan American Affordability and Jobs Act” (BAAJA).

The bill’s promise of cheaper energy and more jobs rests on the familiar argument of capitalist trickle-down economics. Its sponsors claim that if Congress makes it cheaper for corporations to build pipelines, refineries, power plants, data centers and transmission lines, workers will benefit through lower utility bills and new jobs. The bill requires no utility to cut residential rates and sets no minimum number of workers a developer must hire. Companies can distribute the savings to shareholders and reduce labor costs by doing the work with fewer workers.

On Thursday, November 19, the Senate passed BAAJA by a vote of 62–33, sending it back to the House. Senate Minority Leader Chuck Schumer of New York was one of 14 Democrats who voted for passage. Maine independent Angus King, who caucuses with the Democrats, also voted in favor. Republican senators Shelley Moore Capito of West Virginia and Mike Lee of Utah drafted the legislation with Democrats Sheldon Whitehouse of Rhode Island and Martin Heinrich of New Mexico. On Wednesday, the Senate voted 69–27 to adopt their package as a substitute amendment to H.R. 2347 and 65–31 to limit further debate.

The fossil fuel industry campaigned openly for passage. On November 6, the American Petroleum Institute, the Independent Petroleum Association of America, the Interstate Natural Gas Association of America, the gas export lobby LNG Allies and the National Mining Association signed a US Chamber of Commerce letter urging Congress to send the bill to Trump’s desk. Three days later, American Fuel & Petrochemical Manufacturers issued its own appeal, arguing that the bill would “drive more investment in American energy and manufacturing.”

Under the National Environmental Policy Act of 1969 (NEPA), federal agencies must prepare a detailed environmental impact statement for major federal actions expected to significantly affect the environment. That obligation can apply to a federal agency’s own construction project or to its decision to grant a private developer a permit. BAAJA would exempt more decisions from review. Where review is still required, residents could prove in court that an agency failed to examine a project’s environmental consequences and still see construction proceed while the agency corrects its work.

The bill would allow states to issue permits to discharge pollutants into waterways for up to 10 years, double the current five-year limit under the Clean Water Act. The Interior Department could turn over to state agencies its responsibility under the Endangered Species Act for assessing how projects within their borders would affect threatened or endangered species. If a federal agency approved a project in violation of the National Historic Preservation Act, a court could order the agency to correct its errors, but the violation alone would give the court no authority to halt construction while the agency did so.

For developers, the bill spells out in dollars what a court victory could mean. Under Section 1402, a company that proves its permit was denied in bad faith or unreasonably delayed could recover economic damages and legal fees. If it meets the bill’s other conditions, it would also be entitled to an award equal to 50 to 100 percent of the project’s expected construction cost, payable from the US Treasury. On a $1 billion project, that provision alone could yield between $500 million and $1 billion. The Natural Resources Defense Council warned passage of the bill would result in “large taxpayer-funded corporate handouts.”

The restrictions on environmental lawsuits would reach well beyond the energy industry. In April, Maryland

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obtained a preliminary injunction halting the conversion of a warehouse into an immigration detention center after Immigration and Customs Enforcement failed to comply with NEPA. Under BAAJA, a judge could order the government to correct the same defect while contractors continued converting the warehouse. The American Civil Liberties Union warned that the bill would give ICE "a faster, cheaper path to building out a detention system."

In a Senate speech on November 17, Thune blamed permitting delays on "cascading litigation from environmental groups and by agencies determined to study a project to death." The agencies he accused of delay have lost many of the workers who carry out those studies. From January 2025 to March 2026, staffing in permitting-related occupations at six federal agencies fell by 20 to 30 percent, depending on the agency and occupation, according to an analysis published by the Federation of American Scientists. These workers include hydrologists who assess risks to drinking water, biologists who study threats to wildlife and engineers who evaluate proposed projects.

By exempting more projects from review and introducing automated tools to process public comments, the bill would give the Trump administration grounds to pursue further staffing cuts. On November 16, American Federation of Government Employees (AFGE) Local 704, which represents about 1,000 Environmental Protection Agency workers in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, urged representatives from all six states to reject the legislation. "Every day, we use the legal tools provided by law to protect impacted communities and hold industry accountable," the local wrote.

Four days earlier, the national AFL-CIO leadership had urged senators to vote for the same bill. "Passing BAAJA will show that our government is listening," wrote Jody Calemine, the federation's director of government affairs. Among those Congress has heard from are the oil refiners, pipeline operators and mining companies whose appeal for passage preceded the AFL-CIO's by six days.

What would a family struggling to keep the heat on this winter receive under the bill? Heinrich has cited a Rhodium Group study projecting average household electricity savings of $50 to $78 a year in 2040. That comes to roughly $4 to $6.50 a month, 14 years from now.

The criminal US-Israeli war against Iran has already demonstrated how little protection the abundant domestic oil production affords American workers against a price shock, since it is the world market, not the US market alone, which determines prices. Most of the oil passing through the Strait of Hormuz before the war was bound for Asia. Yet when the US and Israel attacked Iran on February 28 and tanker traffic through the strait collapsed, gasoline prices rose sharply in the United States. Brent crude entered April above $100 a barrel. By May 6, a gallon of regular gasoline in the US averaged $4.54, up 52 percent from before the war.

On November 17, US fighter aircraft again struck Iran, targeting what a US military official described as a missile launch site on Qeshm Island in the Strait of Hormuz. Two days later, the Senate rejected a war powers resolution against the war on Iran, with 51 senators voting against and 48 in favor. The US-NATO proxy war against Russia in Ukraine is now in its fifth year. While senators of both parties promote the prospect of a few dollars a month in household savings by 2040, the Trump administration has requested $1.5 trillion for military spending in fiscal 2027. Federal debt reached $40.2 trillion at the end of September.

The premise of BAAJA—and of every "energy affordability" bill before it—is that energy is a commodity to be produced and sold for profit by private corporations, with the state's role limited to subsidizing them and clearing away obstacles. Energy is not merely a commodity. It is the foundation of modern life—heat, light, transportation, industry, medicine.

The demand must be for the nationalization of the energy monopolies under the control of the working class, through which production and distribution are planned to meet human need rather than to maximize shareholder value. This nationalization will include *no compensation* to the wealthy shareholders who have profited from decades of price-gouging.

A family must be able to heat, cool and light its home regardless of its ability to pay. Meeting that need requires taking the energy monopolies into social ownership and placing decisions about generation, transmission, prices and environmental protection in the hands of workers and the communities they serve. That struggle requires a party of the working class, independent of the Democrats and Republicans, fighting for a socialist program.

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