

119TH CONGRESS
2D SESSION

H. R. 8037

To limit the effect of litigation on the environmental application process
for data centers and associated infrastructure.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2026

Mr. BAUMGARTNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To limit the effect of litigation on the environmental application process for data centers and associated infrastructure.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect American AI
5 Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED APPLICATION.—The term “cov-
 2 ered application” means an application for an au-
 3 thorization to site, construct, expand, or operate a—

4 (A) data center; or

5 (B) covered infrastructure.

6 (2) DATA CENTER.—The term “data center”
 7 means any facility that primarily contains electronic
 8 equipment used to process, store, or transmit digital
 9 information.

10 (3) COVERED INFRASTRUCTURE.—The term
 11 “covered infrastructure” means any infrastructure,
 12 facility, or other project that is primarily con-
 13 structed, expanded, or operated to support a data
 14 center.

15 **SEC. 3. EFFECT OF LITIGATION ON DATA CENTER AND**
 16 **COVERED INFRASTRUCTURE APPLICATIONS.**

17 (a) EFFECT OF LITIGATION.—A civil action relating
 18 to an environmental review under the Natural Gas Act (15
 19 U.S.C. 717 et seq.), the Federal Water Pollution Control
 20 Act (33 U.S.C. 1251 et seq.), the Endangered Species Act
 21 of 1973 (16 U.S.C. 1531 et seq.), sections 10 and 14 of
 22 the Act of March 3, 1899 (33 U.S.C. 403; 408), the Clean
 23 Air Act (42 U.S.C. 7401 et seq.), or the National Environ-
 24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
 25 respect to a data center or covered infrastructure shall not

1 affect the validity of a permit, license, or approval issued
2 for the data center or covered infrastructure that is the
3 subject of the civil action.

4 (b) REMAND; PROCESSING OF COVERED APPLICA-
5 TIONS.—If, in a civil action described in subsection (a),
6 the environmental review for a permit, license, or approval
7 issued to the data center or covered infrastructure that
8 is the subject of the civil action is found by the applicable
9 court to violate the Natural Gas Act (15 U.S.C. 717 et
10 seq.), the Federal Water Pollution Control Act (33 U.S.C.
11 1251 et seq.), the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.), sections 10 and 14 of the Act of
13 March 3, 1899 (33 U.S.C. 403; 408), the Clean Air Act
14 (42 U.S.C. 7401 et seq.), or the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

16 (1) notwithstanding chapter 5 or 7 of title 5,
17 United States Code (commonly referred to as the
18 “Administrative Procedure Act”), the applicable
19 court shall not set aside or vacate the permit, li-
20 cense, or approval issued for the data center or cov-
21 ered infrastructure but instead remand the matter
22 to the relevant Federal agency to resolve the viola-
23 tion; and

24 (2) the relevant Federal agency shall continue
25 to process all covered applications.

1 **SEC. 4. ACTION ON COVERED APPLICATIONS.**

2 (a) JUDICIAL REVIEW.—Except for review in the Su-
3 preme Court of the United States, the court of appeals
4 of the United States for the circuit in which a data center
5 or covered infrastructure is, or will be, located pursuant
6 to a covered application shall have original and exclusive
7 jurisdiction over any civil action for the review of an order
8 issued by a Federal agency with respect to the covered
9 application.

10 (b) EXPEDITED REVIEW.—The applicable United
11 States Court of Appeals under subsection (a) shall—

12 (1) set any civil action brought under this sub-
13 section for expedited review; and

14 (2) set the action on the docket as soon as
15 practicable after the filing date of the initial plead-
16 ing.

17 (c) TRANSFER OF EXISTING ACTIONS.—In the case
18 of a covered application for which a petition for review
19 has been filed as of the date of enactment of this Act,
20 the petition shall be—

21 (1) on a motion by the applicant, transferred to
22 the court of appeals of the United States in which
23 the data center or covered infrastructure that is the
24 subject of the covered application is, or will be, lo-
25 cated; and

26 (2) adjudicated in accordance with this section.

1 (d) LIMITATION ON CLAIMS.—Notwithstanding any
2 other provision of law, a claim arising under Federal law
3 seeking judicial review of a permit, license, or approval
4 issued by a Federal agency for a data center or covered
5 infrastructure pursuant to a covered application shall be
6 barred unless the claim is filed not later than 90 days
7 after publication of a notice in the Federal Register an-
8 nouncing that the permit, license, or approval is final pur-
9 suant to the law under which the agency action is taken,
10 unless a shorter time is specified in the Federal law pursu-
11 ant to which judicial review is allowed.

12 (e) SAVINGS CLAUSE.—Nothing in this section estab-
13 lishes a right to judicial review or places any limit on filing
14 a claim that a person has violated the terms of a permit,
15 license, or approval.

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