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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To require developers of AI-focused data centers to disclose certain information before the AI-focused data centers are developed, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. MCIVER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require developers of AI-focused data centers to disclose certain information before the AI-focused data centers are developed, and for other purposes.

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 “AI Data Center Site  
5 Selection Transparency Act of 2026”.

6 **SEC. 2. REQUIREMENTS ON DEVELOPERS OF AI-FOCUSED**  
7 **DATA CENTERS.**

8 (a) REQUIREMENTS.—

1           (1) IN GENERAL.—A covered entity that in-  
2 tends to establish, operate, or own an AI-focused  
3 data center shall do the following:

4           (A) Not later than 180 days before the  
5 date on which the developer takes a definitive  
6 step to establish an AI-focused data center, dis-  
7 close to each relevant local elected official and  
8 to the public in a press release—

9           (i) the location at which the AI-fo-  
10 cused data center would be established;  
11 and

12           (ii) the estimated—

13           (I) resources needed to establish  
14 the AI-focused data center; and

15           (II) environmental impact of the  
16 AI-focused data center;

17           (B) Ensure that the developer does the fol-  
18 lowing:

19           (i) Engages local media.

20           (ii) Posts on social media.

21           (iii) Sends direct mail notices in the  
22 affected area.

23           (iv) Posts physical signage at the pro-  
24 posed site.

1 (v) Provides materials in multiple lan-  
2 guages, including English, Spanish, and  
3 other commonly spoken languages in the  
4 affected area.

5 (C) Limit the use of non-disclosure agree-  
6 ments during the process of establishing the AI-  
7 focused data center.

8 (D) Not use a non-disclosure agreement  
9 with respect to a government entity or public  
10 resources.

11 (2) JOINT DISCLOSURE REQUIREMENT.—If  
12 more than 1 covered entity is involved in the devel-  
13 opment, ownership, or operation of an AI-focused  
14 data center, such entities shall coordinate and issue  
15 a single, joint public disclosure that satisfies the re-  
16 quirements of paragraph (1)(A). Each covered entity  
17 shall be jointly and severally responsible for compli-  
18 ance with this subsection.

19 (3) ENVIRONMENTAL IMPACT ANALYSIS.—In  
20 carrying out the requirement described in paragraph  
21 (1)(A)(ii)(II), a covered entity that intends to estab-  
22 lish, operate, or own an AI-focused data center shall  
23 ensure that an environmental impact analysis  
24 tconducted by an independent third party, funded by  
25 the developer.

1 (b) ENFORCEMENT BY COMMISSION.—

2 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
3 TICES.—A violation of subsection (a) shall be treated  
4 as a violation of a regulation under section  
5 18(a)(1)(B) of the Federal Trade Commission Act  
6 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
7 tive acts or practices.

8 (2) POWERS OF COMMISSION.—The Commis-  
9 sion shall enforce subsection (a) in the same man-  
10 ner, by the same means, and with the same jurisdic-  
11 tion, powers, and duties as though all applicable  
12 terms and provisions of the Federal Trade Commis-  
13 sion Act (15 U.S.C. 41 et seq.) were incorporated  
14 into and made a part of this section, and any person  
15 who violates such subsection shall be subject to the  
16 penalties and entitled to the privileges and immuni-  
17 ties provided in the Federal Trade Commission Act.

18 (c) DEFINITIONS.—In this section:

19 (1) AI-FOCUSED DATA CENTER.—The term  
20 “AI-focused data center” means any facility, cam-  
21 pus, structure, or portion thereof, whether newly  
22 constructed, expanded, retrofitted, leased, or oper-  
23 ated, that is specifically designed, configured, or ma-  
24 terially modified to support the training, fine-tuning,  
25 inference, deployment, or operation of artificial intel-

1 intelligence systems, including generative artificial intel-  
2 ligence systems. Such terms include any facility  
3 that—

4 (A) houses or is designed to house high-  
5 density clusters of graphics processing units,  
6 tensor processing units, application-specific in-  
7 tegrated circuits, or other specialized accelera-  
8 tors used for artificial intelligence computa-  
9 tional workloads;

10 (B) requires electrical load, cooling capac-  
11 ity, or water usage materially attributable to ar-  
12 tificial intelligence computational operations; or

13 (C) is represented in public disclosures, in-  
14 vestor materials, marketing materials, or con-  
15 tractual agreements as providing computing ca-  
16 pacity for artificial intelligence model develop-  
17 ment, training, or deployment.

18 (2) COMMISSION.—The term “Commission”  
19 means the Federal Trade Commission.

20 (3) DEFINITIVE STEP TO ESTABLISH AN AI-FO-  
21 CUSED DATA CENTER.—

22 (A) IN GENERAL.—The term “definitive  
23 step to establish an AI-focused data center”  
24 means an overt, verifiable action that dem-  
25 onstrates a significant financial or legal com-

1           mitment to the construction or operation of an  
2           AI-focused data center.

3           (B) INCLUSION.—The term “definitive  
4           step to establish an AI-focused data center” in-  
5           cludes the following:

6                   (i) The execution of a binding pur-  
7                   chase agreement, long-term lease, or option  
8                   contract for real property specifically zoned  
9                   or designated for the use of an AI-focused  
10                  data center.

11                  (ii) The execution of a binding agree-  
12                  ment with an electric utility provider for  
13                  the delivery of the specialized high-voltage  
14                  power loads required to operate an AI-fo-  
15                  cused data center.

16                  (iii) The commencement of substantial  
17                  on-site physical improvements, including  
18                  grading, excavation, or the installation of  
19                  specialized utilities, such as fiber-optic  
20                  trunk lines or industrial cooling systems.

21                  (iv) The submission of final site plan  
22                  applications or the receipt of critical envi-  
23                  ronmental permits required specifically for  
24                  large-scale computing operations.

1                   (v) The issuance of non-cancelable  
2                   purchase orders for long-lead infrastruc-  
3                   ture items, such as industrial-scale genera-  
4                   tors, chillers, or high-density power dis-  
5                   tribution units.

6                   (4) ENVIRONMENTAL AI IMPACT.—The term  
7                   “environmental AI impact” means any direct, indi-  
8                   rect, or cumulative effect of a proposed action on the  
9                   natural or human environment, including effects on  
10                  air quality, water quality, soil, land use, wildlife,  
11                  habitat, biodiversity, ecosystems, climate, public  
12                  health, environmental justice communities, and the  
13                  sustainability of natural resources.

14                  (A) The terms “direct effects”, “indirect  
15                  effects”, and “cumulative effects” shall have  
16                  the meanings given such terms in the regula-  
17                  tions implementing the National Environmental  
18                  Policy Act of 1969 (42 U.S.C. 4321 et seq.), as  
19                  published in the Federal Register and in effect  
20                  on the date of enactment of this Act.

21                  (B) For purposes of this Act, such terms  
22                  shall be interpreted consistent with long-  
23                  standing Federal Register interpretations of  
24                  those categories of environmental effects.

1           (5) LOCAL ELECTED OFFICIAL.—The term  
2           “local elected official” means a governmental official  
3           elected on the Federal, State, or local level who rep-  
4           resents a location in which a developer intends to es-  
5           tablish an AI-focused data center.

6           (6) NON-DISCLOSURE AGREEMENT.—The term  
7           “non-disclosure agreement” means any legally bind-  
8           ing agreement (or provision thereof) executed be-  
9           tween 2 or more parties that does the following:

10                   (A) Obligates a party (the “Recipient”) to  
11                   maintain the confidentiality of specific, sen-  
12                   sitive, or proprietary information disclosed to  
13                   the Recipient by another party (the “Dis-  
14                   closer”).

15                   (B) Prohibits the Recipient from sharing,  
16                   publishing, or otherwise communicating any  
17                   such information to any person not expressly  
18                   authorized by the terms of the agreement.

19                   (C) Identifies the specific categories of the  
20                   information (such as trade secrets, business ne-  
21                   gotiations, or client data) and the timeframe for  
22                   which the obligation of secrecy remains in ef-  
23                   fect.

24                   (D) Subjects the breaching party to legal  
25                   remedies, which may include monetary dam-

1           ages, injunction, or other equitable relief, as  
2           provided by law or the terms of the agreement.

3           (7) STATE.—The term “State” means each  
4           State of the United States, the District of Columbia,  
5           each commonwealth, territory, or possession of the  
6           United States, and each federally recognized Indian  
7           Tribe.

8           (8) COVERED ENTITY.—The term “covered en-  
9           tity” means any developer, operator, owner, or any  
10          combination thereof, that intends to establish, oper-  
11          ate, or own an AI-focused data center that is en-  
12          gaged in, or whose activities substantially affect,  
13          interstate or foreign commerce, including through  
14          the transmission, processing, storage, or exchange of  
15          data across State lines or national borders, the pro-  
16          curement of goods or services in interstate com-  
17          merce, or participation in interstate markets for  
18          computing infrastructure, energy, or digital services.

19          (9) DEVELOPER.—The term “developer” means  
20          any person or entity that initiates, finances, man-  
21          ages, or oversees the planning, site selection, permit-  
22          ting, or construction of an AI-focused data center.

23          (10) OPERATOR.—The term “operator” means  
24          any person or entity responsible for the day-to-day  
25          management, maintenance, or functioning of an AI-

1 focused data center, including the administration of  
2 computing infrastructure, utilities, or facility sys-  
3 tems.

4 (11) OWNER.—The term “owner” means any  
5 person or entity holding legal title to, leasehold in-  
6 terest in, or controlling ownership stake in the real  
7 property, infrastructure, or computing assets com-  
8 prising an AI-focused data center.

9 (d) SEVERABILITY.—If any provision of this section  
10 or the application of this section to any person or cir-  
11 cumstance is held to be unconstitutional, the remaining  
12 provisions of this section and the application of this sec-  
13 tion to other persons or circumstances shall not be af-  
14 fected.