

119TH CONGRESS  
2D SESSION

# H. R. 8033

To ensure that American families are protected from the impacts of data centers on the electric grid, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2026

Mr. LANDSMAN introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To ensure that American families are protected from the impacts of data centers on the electric grid, 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 “No Harm Data Cen-  
5       ters Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) data centers, while creating potentially eco-  
9       nomicallly valuable tools, impose costs upon other  
10       electricity customers, in the form of higher costs for

1 the generation of electricity, along with necessary in-  
2 vestments in electric infrastructure; and

3 (2) the costs imposed by data centers upon the  
4 bulk-power system should be fully borne by data  
5 centers and that other residential and small commer-  
6 cial electricity customers should be economically pro-  
7 tected from the impacts of data centers.

8 **SEC. 3. ENSURING DATA CENTERS PAY THEIR FAIR SHARE.**

9 (a) DATA CENTER DEFINED.—Section 3 of the Fed-  
10 eral Power Act (16 U.S.C. 796) is amended by adding  
11 at the end the following:

12 “(30) DATA CENTER.—The term ‘data center’  
13 means—

14 “(A) any facility that—

15 “(i) is behind a single point of inter-  
16 connection;

17 “(ii) primarily contains electronic  
18 equipment used to process, store, and  
19 transmit digital information; and

20 “(iii) has a peak electricity demand of  
21 greater than 50 megawatts; or

22 “(B) any group of facilities—

23 “(i) that are behind a single point of  
24 interconnection;

1 “(ii) the majority of which primarily  
 2 contain electronic equipment used to proc-  
 3 ess, store, and transmit digital informa-  
 4 tion; and

5 “(iii) that, in the aggregate, have a  
 6 peak electricity demand of greater than 50  
 7 megawatts.”.

8 (b) ENSURING DATA CENTERS PAY THEIR FAIR  
 9 SHARE.—The Federal Power Act is amended by inserting  
 10 after section 223 (16 U.S.C. 824w) the following:

11 **“SEC. 224. ENSURING DATA CENTERS PAY THEIR FAIR**  
 12 **SHARE.**

13 “(a) AUTHORITY.—

14 “(1) IN GENERAL.—Notwithstanding subsection  
 15 (a) and subsection (b)(1) of section 201, and subject  
 16 to subsection (d), the Commission shall, beginning  
 17 on the date that is 90 days after the date of enact-  
 18 ment of this section, have the sole authority to ap-  
 19 prove rates and charges for the retail sale of electric  
 20 energy from a covered electric utility to a data cen-  
 21 ter.

22 “(2) JUST AND REASONABLE REQUIREMENT.—  
 23 All rates and charges approved by the Commission  
 24 pursuant to paragraph (1) shall be just and reason-  
 25 able, and not unduly discriminatory or preferential.

1       If the Commission finds, after a hearing held upon  
2       its own motion or upon complaint, that any rate or  
3       charge approved by the Commission is unjust or un-  
4       reasonable, or unduly discriminatory or preferential,  
5       the Commission shall fix a new rate or charge that  
6       is just and reasonable and not unduly discriminatory  
7       or preferential.

8       “(b) FULL ALLOCATION OF COSTS.—Any rate or  
9       charge approved pursuant to subsection (a) shall in-  
10      clude—

11           “(1) the full costs of constructing, upgrading,  
12           and expanding any transmission or distribution facil-  
13           ity to facilitate the interconnection of data centers to  
14           the bulk-power system;

15           “(2) the full costs of constructing, upgrading,  
16           and expanding any transmission or distribution facil-  
17           ity to ensure the reliability of the bulk-power system  
18           during periods of increasing demand for electric en-  
19           ergy from data centers; and

20           “(3) the full costs of constructing, upgrading,  
21           and expanding any generating facility to facilitate  
22           the reliability of the bulk-power system during peri-  
23           ods of increasing demand for electric energy from  
24           data centers.

1       “(c) PROHIBITION ON COST-SHIFTING.—No covered  
 2 electric utility may shift the costs described in paragraphs  
 3 (1) through (3) of subsection (b) onto their retail rates  
 4 or charges for any customer other than a data center.

5       “(d) INAPPLICABILITY.—This section shall not apply  
 6 within the area referred to in section 212(k)(2)(A).

7       “(e) DEFINITIONS.—In this section:

8               “(1) COMMISSION.—The term ‘Commission’  
 9 means the Federal Energy Regulatory Commission.

10              “(2) COVERED ELECTRIC UTILITY.—The term  
 11 ‘covered electric utility’ means a person that sells  
 12 electric energy, except—

13                      “(A) an electric cooperative described in  
 14 section 201(f);

15                      “(B) an electric utility that is owned or op-  
 16 erated by a State or political subdivision there-  
 17 of;

18                      “(C) the Tennessee Valley Authority; and

19                      “(D) each Federal power marketing ad-  
 20 ministration.”.

21       (c) PENALTIES.—The Federal Power Act (16 U.S.C.  
 22 792 et seq.) is amended—

23               (1) in section 221, by inserting “, the price of  
 24 electricity sold to data centers at retail and inputs  
 25 to such price,” after “sold at wholesale”;

1           (2) in section 307(a), by inserting “, the sale of  
2       electric energy at retail to data centers,” after “at  
3       wholesale in interstate commerce”;

4           (3) in section 311, by striking “and industrial”  
5       and inserting “data center, and industrial”; and

6           (4) in section 316A(b)—

7               (A) by striking “Any person who violates  
8       any provision of part II” and inserting the fol-  
9       lowing:

10           “(1) IN GENERAL.—Any person who violates  
11       any provision of part II, except for section 224,”;

12               (B) by striking “Such penalty” and insert-  
13       ing the following:

14           “(2) DATA CENTER VIOLATIONS.—Any person  
15       who violates any provision of section 224 or any pro-  
16       vision of any rule or order thereunder shall be sub-  
17       ject to a civil penalty of not more than \$10,000,000  
18       for each day that such violation continues.

19           “(3) ASSESSMENT.—A penalty under this sub-  
20       section”; and

21               (C) by striking “In determining the  
22       amount of a proposed penalty,” and inserting  
23       the following:

1 “(4) PENALTY AMOUNT.—In determining the  
2 amount of a proposed penalty under this sub-  
3 section,”.

4 (d) CONFORMING AMENDMENT.—Section 201(e) of  
5 the Federal Power Act (16 U.S.C. 824(e)) is amended by  
6 striking “or 222” and inserting “222, or 224”.

7 **SEC. 4. LIMITATION ON JUDICIAL ENFORCEABILITY OF**  
8 **PREDISPUTE NONDISCLOSURE CONTRACT**  
9 **CLAUSES RELATING TO THE CONSTRUCTION**  
10 **OF DATA CENTERS.**

11 (a) IN GENERAL.—

12 (1) ENFORCEABILITY AGAINST PUBLIC OFFI-  
13 CIALS.—With respect to the construction of a data  
14 center, no predispute nondisclosure clause shall be  
15 judicially enforceable against a public official.

16 (2) CONTINUED APPLICABILITY OF STATE  
17 LAW.—This section shall not be construed to super-  
18 sede a provision of State law that establishes, imple-  
19 ments, or continues in effect a requirement or prohi-  
20 bition except to the extent that such requirement or  
21 prohibition prevents the application of this section.

22 (b) APPLICABILITY.—This section shall apply with  
23 respect to a claim that is filed under Federal, State, or  
24 Tribal law on or after the date of the enactment of this  
25 Act.

1 **SEC. 5. ASSESSMENT OF ENVIRONMENTAL AND PUBLIC**  
2 **HEALTH EFFECTS OF DATA CENTERS.**

3 The Administrator of the Environmental Protection  
4 Agency shall seek to enter into an agreement with the Na-  
5 tional Academies under which the National Academies  
6 shall—

7 (1) conduct an assessment of the impacts of  
8 data centers on the environment and public health,  
9 including with respect to—

10 (A) noise pollution;

11 (B) air pollution;

12 (C) water consumption;

13 (D) water supply;

14 (E) carbon emissions; and

15 (F) waste, including electronic waste;

16 (2) develop recommendations to mitigate such  
17 impacts; and

18 (3) not later than 180 days after the date of  
19 the enactment of this Act, submit to the Committee  
20 on Energy and Commerce of the House of Rep-  
21 resentatives and the Committee on Environment and  
22 Public Works of the Senate a report containing the  
23 results of the assessment conducted under para-  
24 graph (1) and the recommendations developed under  
25 paragraph (2).



1 **SEC. 6. DEFINITIONS.**

2 For purposes of this Act:

3 (1) DATA CENTER.—The term “data center”  
4 means—

5 (A) any facility that—

6 (i) is behind a single point of inter-  
7 connection;

8 (ii) primarily contains electronic  
9 equipment used to process, store, and  
10 transmit digital information; and

11 (iii) has a peak electricity demand of  
12 greater than 50 megawatts; or

13 (B) any group of facilities—

14 (i) that are behind a single point of  
15 interconnection;

16 (ii) the majority of which primarily  
17 contain electronic equipment used to proc-  
18 ess, store, and transmit digital informa-  
19 tion; and

20 (iii) that, in the aggregate, have a  
21 peak electricity demand of greater than 50  
22 megawatts.

23 (2) NATIONAL ACADEMIES.—The term “Na-  
24 tional Academies” means the National Academies of  
25 Sciences, Engineering, and Medicine.

1           (3) PREDISPUTE NONDISCLOSURE CLAUSE.—

2           The term “predispute nondisclosure clause” means a  
3           provision in a contract or agreement agreed to be-  
4           fore a lawsuit is filed under Federal, State, or Tribal  
5           law, that requires the parties to the contract or  
6           agreement not to disclose or discuss conduct, the ex-  
7           istence of a settlement involving conduct, or infor-  
8           mation covered by the terms and conditions of the  
9           contract or agreement.

10          (4) PUBLIC OFFICIAL.—The term “public offi-  
11          cial” means an individual who, at the time a con-  
12          tract or agreement was agreed to, was an elected of-  
13          ficial of a Federal, State, or local unit of government  
14          in the United States.

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