

119TH CONGRESS
2D SESSION

S. 4213

To require data center operators to submit to States or the Administrator of the Environmental Protection Agency and the Secretaries of Energy and Agriculture reports on data center energy and water use, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2026

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require data center operators to submit to States or the Administrator of the Environmental Protection Agency and the Secretaries of Energy and Agriculture reports on data center energy and water use, 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 “Data Center Water
5 and Energy Transparency Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) DATA CENTER TERMS.—The terms “data
5 center” and “data center operator” have the mean-
6 ings given those terms in section 453(a) of the En-
7 ergy Independence and Security Act of 2007 (42
8 U.S.C. 17112(a)).

9 (3) ENERGY USE.—The term “energy use”,
10 with respect to data centers, means the total quan-
11 tity of electricity and other forms of energy con-
12 sumed on site by that data center, as measured in
13 kilowatt-hours.

14 (4) POWER USAGE EFFECTIVENESS.—The term
15 “power usage effectiveness” has the meaning given
16 the term in ISO/IEC 30134–2:2026 of the Inter-
17 national Organization for Standardization (or a suc-
18 cessor standard).

19 (5) SECRETARIES.—The term “Secretaries”
20 means the Secretary of Energy and the Secretary of
21 Agriculture.

22 (6) STATE.—The term “State” means—

- 23 (A) each of the several States;
- 24 (B) a territory of the United States;
- 25 (C) the Federated States of Micronesia;

1 (D) the Republic of the Marshall Islands;

2 (E) the Republic of Palau;

3 (F) an Indian tribe included on the list
4 most recently published by the Secretary of the
5 Interior under section 104 of the Federally Rec-
6 ognized Indian Tribe List Act of 1994 (25
7 U.S.C. 5131); and

8 (G) the District of Columbia.

9 (7) UNIT OF LOCAL GOVERNMENT.—The term
10 “unit of local government” means any county, par-
11 ish, city, town, township, village, or other general
12 purpose political subdivision of a State with the
13 power to levy taxes, expend Federal, State, and local
14 funds, and exercise governmental powers.

15 (8) WATER USAGE EFFECTIVENESS.—The term
16 “water usage effectiveness” has the meaning given
17 the term in ISO/IEC 30134–9:2022 of the Inter-
18 national Organization for Standardization (or a suc-
19 cessor standard).

20 (9) WATER USE.—The term “water use”, with
21 respect to a data center, means the total amount of
22 water consumed on-site by a data center, including
23 water used for cooling, as measured in gallons.

1 **SEC. 3. DATA CENTER MANDATORY REPORTING AND IN-**
2 **FORMATION REQUIREMENT.**

3 (a) DATA COLLECTION.—

4 (1) REPORT TO STATE.—

5 (A) IN GENERAL.—Beginning not later
6 than 1 year after the date of enactment of this
7 Act but subject to paragraph (2), each data
8 center operator with 1 or more data centers in
9 a State shall submit to that State an annual re-
10 port that, with respect to each data center in
11 the State with a peak demand of not less than
12 25 megawatts operated by that data center op-
13 erator, describes—

14 (i) on-site energy use and water use
15 for the preceding calendar year, includ-
16 ing—

17 (I) total energy use during each
18 month of that calendar year;

19 (II) if the data center relies on
20 behind-the-meter power generation,
21 the method to generate that power;

22 (III) total water use and the
23 source of that water during each
24 month of that calendar year; and

1 (IV) annual average power usage
 2 effectiveness and water usage effec-
 3 tiveness;

4 (ii) projected on-site energy use and
 5 water use for not less than the following 5
 6 calendar years, which shall include pro-
 7 posals for reducing the energy use and
 8 water use of the data center and the in-
 9 creases in efficiency that are anticipated to
 10 result from those proposals; and

11 (iii) such other information as the
 12 State may require.

13 (B) FORM.—A data center operator shall
 14 submit a report under subparagraph (A) in
 15 such form and in such manner as the applicable
 16 State may require.

17 (C) FEES AUTHORIZED.—A State may, in
 18 requiring the reports described in this para-
 19 graph, assess fees on data center operators to
 20 support data collection under this paragraph.

21 (2) REPORT TO ADMINISTRATOR AND SECRE-
 22 TARIES.—

23 (A) IN GENERAL.—If a State does not
 24 have a program to collect the information de-

scribed in clauses (i) and (ii) of paragraph
(1)(A)—

(i) the State shall inform the Administrator and the Secretaries jointly; and

(ii) a data center operator with data centers in such a State shall submit to the Administrator and Secretaries jointly a report that, with respect to each data center in such a State with a peak demand of not less than 25 megawatts operated by that data center operator, describes—

(I) the information described in those clauses; and

(II) such other information as the Administrator and Secretaries may jointly require.

(B) FORM.—A data center operator shall submit a report under subparagraph (A) in such form and in such manner as the Administrator and Secretaries may jointly require.

(3) REPORTS TO LOCAL GOVERNMENTS.—A report to a State or the Administrator and the Secretaries jointly under paragraph (1) or (2) shall be made available to an affected unit of local government on request and, if applicable, in compliance

1 with any program established by the State for the
2 collection of those reports.

3 (b) REPORTS ON PROSPECTIVE AND EXPANDED
4 DATA CENTERS.—

5 (1) REPORT TO STATE.—

6 (A) IN GENERAL.—Subject to paragraph
7 (2), each person seeking to construct a data
8 center with a projected energy use of not less
9 than 25 megawatts and each data center oper-
10 ator seeking to expand a data center with a
11 projected energy use of not less than 25
12 megawatts shall submit to the State in which
13 the new or expanded data center would operate
14 a report that describes—

15 (i) as applicable—

16 (I) the projected energy use and
17 water use and the sources of energy
18 and water of the new data center dur-
19 ing the first 5 calendar years after the
20 data center begins operation; or

21 (II) the projected increase in en-
22 ergy use and water use as a result of
23 the expansion of a data center during
24 the first 5 calendar years after com-
25 pletion of the expansion; and

1 (ii) proposals for reducing the energy
 2 use and water use of the data center and
 3 the increases in efficiency that are antici-
 4 pated to result from those proposals.

5 (B) FORM.—A report submitted under
 6 subparagraph (A) shall be submitted in such
 7 form and in such manner as the applicable
 8 State may require.

9 (2) REPORT TO ADMINISTRATOR AND SECRE-
 10 TARIES.—

11 (A) IN GENERAL.—If a State does not
 12 have a program to collect the information de-
 13 scribed in paragraph (1)(A)—

14 (i) the State shall inform the Admin-
 15 istrator and the Secretaries jointly; and

16 (ii) a person seeking to construct a
 17 data center and each data center operator
 18 seeking to expand a data center in such a
 19 State shall submit to the Administrator
 20 and the Secretaries jointly a report that
 21 describes, with respect to the proposed
 22 data center or the expansion of the data
 23 center, the information described in that
 24 paragraph.

(B) FORM.—A person or data center operator shall submit a report under subparagraph (A) in such form and in such manner as the Administrator and Secretaries may jointly require.

(3) REPORTS TO LOCAL GOVERNMENTS.—A report to a State or the Administrator and the Secretaries jointly under paragraph (1) or (2) shall be made available to an affected unit of local government on request and, if applicable, in compliance with any program established by the State for the collection of those reports.

(c) AGGREGATED REPORTS.—

(1) REPORTS FROM STATES.—

(A) IN GENERAL.—Each State that receives a report under subsection (a)(1) or (b)(1) shall submit to the Administrator and the Secretaries jointly an annual report that describes the data collected pursuant to all such reports submitted to the State under subsection (a)(1) or (b)(1), as applicable, during the previous year in such a manner as may be required jointly by the Administrator and the Secretaries.

1 (B) ANONYMIZED DATA.—The reports sub-
2 mitted under subparagraph (A) shall only in-
3 clude anonymized and aggregated information.

4 (2) PUBLIC REPORT.—The Administrator and
5 the Secretaries shall jointly make publicly available
6 on an annual basis a report that—

7 (A) describes—

8 (i) using information collected from
9 the reports under subsections (a)(2) and
10 (b)(2) and paragraph (1)(A), the aggre-
11 gated total energy use and water use of
12 data centers in the United States, by re-
13 gion, during the calendar year covered by
14 the report;

15 (ii) regional impacts of data centers
16 on water and electricity rates for con-
17 sumers and communities;

18 (iii) the environmental impacts result-
19 ing from the operation of data centers, in-
20 cluding—

21 (I) water and energy sources,
22 supply, quality, and reliability impacts
23 on consumers and communities; and

24 (II) other direct or indirect im-
25 pacts; and

1 (iv) recommendations for best prac-
2 tices to limit the impacts described in
3 clauses (ii) and (iii);

4 (B) includes, based on the reports received
5 by the Administrator and the Secretaries jointly
6 under subsections (a)(2) and (b)(2) and para-
7 graph (1)(A) for the calendar year covered by
8 the report, the aggregated projection of energy
9 use and water use by data centers for the 5
10 years following that calendar year; and

11 (C) does not include any information that
12 the Administrator and the Secretaries jointly
13 determine is proprietary.

14 (d) RULEMAKING.—

15 (1) FEDERAL AUTHORITY.—The Administrator
16 and the Secretaries may jointly promulgate such
17 regulations as may be necessary to carry out this
18 section.

19 (2) STATE AUTHORITY.—A State may promul-
20 gate such regulations in accordance with the laws of
21 the State as may be necessary to carry out this sec-
22 tion.

23 (e) ENFORCEMENT.—

24 (1) STATE ENFORCEMENT.—If a State estab-
25 lishes a program for collecting data pursuant to sub-

1 section (a)(1) and (b)(1), the State may issue fines
2 and otherwise engage in other enforcement activities
3 to comply with the requirements of this Act and ap-
4 plicable State laws.

5 (2) FEDERAL ENFORCEMENT.—

6 (A) IN GENERAL.—Subject to paragraph
7 (2), the Administrator and the Secretaries shall
8 jointly fine a data center operator that neg-
9 ligently violates a requirement of subsection
10 (a)(2) or (b)(2) \$20,000 for each day that the
11 data center operator is in violation of that re-
12 quirement.

13 (B) INFLATION ADJUSTMENT.—On the
14 date that is 3 years after the date of enactment
15 of this Act, and every 3 years thereafter, the
16 Administrator and the Secretaries shall jointly
17 adjust the amount described in subparagraph
18 (A) to reflect changes for the 36-month period
19 ending the preceding November 30 in the Con-
20 sumer Price Index for All Urban Consumers
21 published by the Bureau of Labor Statistics of
22 the Department of Labor.

23 **SEC. 4. FEES.**

24 The Administrator and the Secretaries shall jointly
25 assess fees on data center operators that submit a report

1 under subsection (a)(2) or (b)(2) of section 3 in an
2 amount necessary to carry out this Act and may, without
3 further appropriation, use the amounts collected to carry
4 out those subsections.

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