

119TH CONGRESS
2D SESSION

S. _____

To provide funding for air pollution monitoring, water quality monitoring and remediation, and noise pollution mitigation, to regulate the impacts of data centers on the cost of electricity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide funding for air pollution monitoring, water quality monitoring and remediation, and noise pollution mitigation, to regulate the impacts of data centers on the cost of electricity, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 **["_____ Act of _____"]**.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENVIRONMENTAL IMPACTS

1 mental control equipment to maintain the prop-
2 er conditions for the operation of electronic
3 equipment;

4 (C) has an energy demand greater than 50
5 megawatts; and

6 (D) meets other such criteria as the Fed-
7 eral Communications Commission determines to
8 be appropriate for purposes of this title, includ-
9 ing anticircumvention provisions.

10 (3) DATA CENTER CORPORATION.—The term
11 “data center corporation” means any corporation,
12 joint-stock company, partnership, association, busi-
13 ness trust, or organized group of persons, whether
14 incorporated or not, or a receiver or trustee of such,
15 that owns or proposes to own a data center.

16 **SEC. 102. CERTIFICATE REQUIREMENTS FOR DATA CEN-**
17 **TERS.**

18 (a) DEFINITION.—In this section, the term “Commis-
19 sion” means the Federal Communications Commission.

20 (b) CERTIFICATE REQUIRED.—

21 (1) IN GENERAL.—Before proposed construc-
22 tion activities may begin with respect to a data cen-
23 ter, the data center corporation with respect to the
24 data center shall be required to obtain from the
25 Commission a certificate certifying that the con-

1 construction of the data center will not harm the public
2 interest.

3 (2) EVALUATION OF APPLICATION.—

4 (A) IN GENERAL.—With respect to an ap-
5 plication for a certificate described in para-
6 graph (1), the Commission shall evaluate the
7 potential impacts of the applicable data center
8 on—

9 (i) air quality, including local, up-
10 stream, and downstream emissions of air
11 pollutants;

12 (ii) water quality, including toxic and
13 priority pollutant concentration levels, tem-
14 perature, turbidity, and nutrient levels;

15 (iii) the local and watershed-level
16 availability and cost of water, including the
17 impacts on wastewater services;

18 (iv) the average levels of noise and
19 light within **[X]** miles of the proposed site
20 of the data center;

21 (v) energy costs and electricity system
22 reliability, particularly for residential and
23 commercial ratepayers within the same re-
24 gional electricity market as the data cen-

ter, as determined by the Federal Energy
Regulatory Commission;

(vi) the local ecosystem and wildlife;

(vii) the local economy, including
through the offering of public subsidies
and tax exemptions;

(viii) community well-being, including
the establishment of community benefits
agreements; and

(ix) jobs, particularly the creation of
full-time jobs with wages that are not less
than the prevailing wage rates for the class
in the applicable locality.

(B) CONSULTATION.—In conducting an
evaluation required under subparagraph (A),
the Commission shall consult with all relevant
Federal, State, local, Tribal, and regional au-
thorities (as determined based on the location
of the applicable data center), including—

(i) the Environmental Protection
Agency, the Department of Energy, the
Federal Energy Regulatory Commission,
and other Federal agencies determined ap-
propriate by the Commission;

(ii) local, State, and Tribal—

1 (I) environmental protection
2 agencies;

3 (II) zoning boards;

4 (III) siting and permitting au-
5 thorities;

6 (IV) energy and economic devel-
7 opment agencies; and

8 (V) consumer advocates;

9 (iii) State public utility commissions;

10 (iv) Transmission Organizations, as
11 defined in section 3 of the Federal Power
12 Act (16 U.S.C. 796);

13 (v) the regional commission or com-
14 mittee that represents the interests of
15 States with respect to the relevant regional
16 electricity market; and

17 (vi) other relevant Federal, State,
18 local, Tribal, and regional authorities, as
19 determined appropriate by the Commis-
20 sion.

21 (3) DETERMINATION.—The Commission shall
22 issue a certificate described in paragraph (1) if,
23 after conducting the evaluation required under para-
24 graph (2), the Commission determines that the pro-
25 posed data center will not harm the public interest.

1 (4) ONGOING COMPLIANCE; ENFORCEMENT.—

2 After issuing a certificate under paragraph (1) with
3 respect to a data center, the Commission—

4 (A) shall, not later than 2 years after
5 issuing that certificate, and once every 2 years
6 thereafter—

7 (i) assess whether the data center re-
8 mains in compliance with that certificate,
9 as determined by evaluating the data cen-
10 ter pursuant to the requirements under
11 paragraph (2); and

12 (ii) as part of the assessment required
13 under clause (i), establish a publicly no-
14 ticed and accessible process through which
15 affected members of the public may submit
16 documentation or provide comment with
17 respect to the certificate; and

18 (B) if the Commission, during an assess-
19 ment conducted under subparagraph (A) of this
20 paragraph, determines that a data center does
21 not remain in compliance with that certificate,
22 as determined as described in subparagraph
23 (A)(i) of this paragraph, may take action and
24 pursue remedies to ensure that the data center
25 remains in compliance, including by imposing

1 fines that are proportionate to the duration and
2 degree by which the data center is not in com-
3 pliance.

4 (c) SAVINGS CLAUSE.—Nothing in this section shall
5 preempt or render void any State or local regulation relat-
6 ing to the construction or operation of a data center.

7 **SEC. 103. IDENTIFYING AIR POLLUTION AND DISPARATE**
8 **IMPACTS OF DATA CENTER DEVELOPMENT**
9 **AND INVESTING IN COMMUNITY RESPONSE.**

10 (a) IN GENERAL.—The Administrator may—

11 (1) pursuant to subsections (b) through (e) of
12 section 103 of the Clean Air Act (42 U.S.C. 7403),
13 make grants, enter into contracts, or carry out other
14 activities described in that section to identify, mon-
15 itor, and increase community response capabilities
16 against environmental or public health harms from
17 changes in air quality associated with the construc-
18 tion and operation of data centers and associated en-
19 ergy infrastructure, with a priority for activities that
20 serve communities with greater cumulative environ-
21 mental or public health burdens; and

22 (2) make grants and carry out other activities
23 with respect to the changes in air quality described
24 in paragraph (1) authorized under section 105 of
25 the Clean Air Act (42 U.S.C. 7405).

1 (b) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—In addition to any other
3 amounts authorized to be appropriated to carry out
4 sections 103 and 105 of the Clean Air Act (42
5 U.S.C. 7403, 7405), there are authorized to be ap-
6 propriated to the Administrator for each of fiscal
7 years 2027 through 2031, to remain available until
8 expended—

9 (A) \$50,000,000 to carry out subsection
10 (a)(1); and

11 (B) \$50,000,000 to carry out subsection
12 (a)(2).

13 (2) ADMINISTRATIVE EXPENSES.—Of the
14 amounts made available under subparagraphs (A)
15 and (B) of paragraph (1) in a fiscal year, the Ad-
16 ministrator shall reserve 5 percent for the adminis-
17 trative costs necessary to carry out the activities
18 funded under those subparagraphs.

19 **SEC. 104. WATER QUALITY MONITORING.**

20 (a) IN GENERAL.—The Administrator may—

21 (1) in addition to the purposes for which grants
22 may be provided under section 106 of the Federal
23 Water Pollution Control Act (33 U.S.C. 1256),
24 make additional grants to, or enter into cooperative
25 agreements or contracts with, entities eligible to re-

1 from data centers and on-site energy generation, in-
2 cluding an examination of—

3 (A) the selection of noise measurement
4 methodologies by relevant State and local agen-
5 cies with respect to that noise;

6 (B) the threshold at which health impacts
7 from that noise is felt;

8 (C) the effectiveness of various noise
9 abatement methodologies used at data centers
10 and on-site energy generators; and

11 (D) new and emerging noise abatement
12 methodologies that may, or have the potential
13 to, mitigate the extent of noise pollution im-
14 pacts from data centers and on-site energy gen-
15 eration.

16 (2) REPORT.—

17 (A) IN GENERAL.—Not later than 2 years
18 after the date of enactment of this Act, the Ad-
19 ministrator shall submit to Congress a report
20 describing the results of the study conducted
21 under paragraph (1).

22 (B) REQUIREMENTS.—The report required
23 under subparagraph (A) shall include specific
24 recommendations on new measures that can be
25 implemented to mitigate the impact of data cen-

1 ters and on-site energy generation on sur-
2 rounding communities.

3 (b) GRANTS UNDER THE QUIET COMMUNITIES PRO-
4 GRAM.—Section 14 of the Noise Control Act of 1972 (42
5 U.S.C. 4913) is amended—

6 (1) in subsection (b)—

7 (A) in the matter preceding paragraph (1),
8 by striking “but not limited to”;

9 (B) in paragraph (2), by striking “sections
10 6, 7, and 8 of this Act” and inserting “section
11 6 or 8, or section 44715 of title 49, United
12 States Code”; and

13 (C) by redesignating paragraphs (1)
14 through (5) as subparagraphs (A) through (E),
15 respectively, and indenting appropriately;

16 (2) in subsection (c)—

17 (A) in the matter preceding paragraph (1),
18 by striking “but not be limited to” and insert-
19 ing “in accordance with Federal authority pur-
20 suant to this Act to regulate sources of noise in
21 interstate commerce”;

22 (B) in paragraph (1)—

23 (i) in subparagraph (C), by striking
24 “and” at the end;

1 (ii) by redesignating subparagraphs
2 (A) through (D) as clauses (i) through
3 (iv), respectively, and indenting appro-
4 priately; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(v) establishing and implementing
8 training programs on use of noise abate-
9 ment equipment; and

10 “(vi) implementing noise abatement
11 plans;”;

12 (C) by striking the undesignated matter
13 following paragraph (5); and

14 (D) by redesignating paragraphs (1)
15 through (5) as subparagraphs (A) through (E),
16 respectively, and indenting appropriately;

17 (3) by redesignating subsections (a) through (g)
18 as paragraphs (1) through (7), respectively, and in-
19 denting appropriately;

20 (4) in the matter preceding paragraph (1) (as
21 so redesignated), by striking “To promote” and in-
22 serting the following:

23 “(a) IN GENERAL.—To promote”; and

24 (5) by adding at the end the following:

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$20,000,000 for each of fiscal years 2027 through 2031,
4 to remain available until expended.”.

5 **SEC. 106. STATE AND LOCAL CAPACITY GRANTS TO AD-**
6 **DRESS DATA CENTER ENVIRONMENTAL IM-**
7 **PACTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) CUMULATIVE IMPACT.—The term “cumu-
10 lative impact”, with respect to pollution impact,
11 means the impact on the environment resulting from
12 the incremental impact of the action when added to
13 other past, present, and reasonably foreseeable fu-
14 ture actions.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a partnership between—

17 (A) a State, Tribal, or local government;

18 and

19 (B) a community-based nonprofit organiza-
20 tion.

21 (3) PROGRAM.—The term “program” means
22 the program established under subsection (b).

23 (b) ESTABLISHMENT.—The Administrator shall es-
24 tablish a program to award grants to eligible entities to
25 carry out activities that benefit disadvantaged commu-

1 nities, as determined by the Administrator, in accordance
2 with this section.

3 (c) GRANTS.—

4 (1) IN GENERAL.—The Administrator shall
5 award grants under the program to eligible entities
6 to carry out activities described in paragraph (2).

7 (2) ELIGIBLE ACTIVITIES.—An eligible entity
8 receiving a grant under the program may use funds
9 from that grant for—

10 (A) community-led evaluation, monitoring,
11 prevention, and remediation of air, water, and
12 noise pollution impact, including cumulative im-
13 pacts, with an emphasis on projects that
14 prioritize evaluation, monitoring, prevention,
15 and remediation of cumulative impacts;

16 (B) efforts to strengthen local enforcement
17 and technical capacity for inspectors, engineers,
18 and permitting and compliance staff with rel-
19 evant State, Tribal, and local environmental
20 agencies; and

21 (C) facilitating engagement of disadvan-
22 taged communities, as determined by the Ad-
23 ministrator, in State, Tribal, local, and inter-
24 governmental zoning, permitting, and regu-
25 latory decisions, including through strategies

1 that increase access across languages, abilities,
2 and media platforms.

3 (3) TERM.—The term of a grant under the pro-
4 gram shall be up to 3 years.

5 (d) TECHNICAL ASSISTANCE.—The Administrator
6 shall provide technical assistance to eligible entities with
7 respect to grants awarded under the program.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to the Administrator for each of fiscal
11 years 2027 through 2031, to remain available until
12 expended—

13 (A) \$560,000,000 to award grants under
14 subsection (c); and

15 (B) \$40,000,000 to provide technical as-
16 sistance under subsection (d).

17 (2) ADMINISTRATIVE COSTS.—Of the amounts
18 made available under paragraph (1) in a fiscal year,
19 the Administrator shall reserve 7 percent to carry
20 out this section.

21 **TITLE II—ELECTRICITY**

22 **SEC. 201. SENSE OF CONGRESS.**

23 It is the sense of Congress that the high level of elec-
24 tricity usage by data centers constitutes interstate com-
25 merce.

1 **SEC. 202. DEFINITIONS.**

2 In this title:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Energy Regulatory Commission.

5 (2) DATA CENTER.—The term “data center”
6 includes any facility, or group of facilities with the
7 same owner located in the same utility area, that—

8 (A) primarily contains electronic equip-
9 ment used to host information and information
10 systems accessed by other systems or by users
11 on other devices both in and outside of the
12 State in which the facility or group of facilities
13 is located;

14 (B) is a free-standing structure or a facil-
15 ity within a larger structure that uses environ-
16 mental control equipment to maintain the prop-
17 er conditions for the operation of electronic
18 equipment; and

19 (C) has an energy demand greater than 50
20 megawatts.

21 (3) DATA CENTER CORPORATION.—The term
22 “data center corporation” means any corporation,
23 joint-stock company, partnership, association, busi-
24 ness trust, organized group of persons, whether in-
25 corporated or not, or a receiver or trustee of such,
26 that owns or proposes to own a data center.

1 (4) DISTRIBUTED CLEAN ENERGY RESOURCE.—

2 The term “distributed clean energy resource” means
3 any small-scale, modular electricity generation, stor-
4 age, or demand-side management technology that—

5 (A) is located on the distribution system,
6 on a subsystem, or behind a customer meter;
7 and

8 (B) generates or stores renewable energy
9 and storage or manages demand for electricity.

10 (5) FUND.—The term “Fund” means the Dis-
11 tributed Renewable Energy Fund established under
12 section 203(b)(4).

13 (6) INDEPENDENT SYSTEM OPERATOR.—The
14 term “Independent System Operator” has the mean-
15 ing given the term in section 3 of the Federal Power
16 Act (16 U.S.C. 796).

17 (7) LABOR ORGANIZATION.—The term “labor
18 organization” has the meaning given the term in
19 section 2 of the National Labor Relations Act (29
20 U.S.C. 152).

21 (8) LABOR PEACE AGREEMENT.—The term
22 “labor peace agreement” means a written agreement
23 between an employer and a labor organization
24 through which the employer guarantees that—

1 (A) the employer will be neutral regarding
2 any of the employees of the employer seeking to
3 be represented by the labor organization; and

4 (B) if employees seek to be represented by
5 a labor organization, the employer shall recog-
6 nize the labor organization as the exclusive bar-
7 gaining representative on a showing that a ma-
8 jority of the employees choose to be represented
9 by the labor organization.

10 (9) PROJECT LABOR AGREEMENT.—The term
11 “project labor agreement” means a pre-hire collec-
12 tive bargaining agreement with 2 or more labor or-
13 ganizations that—

14 (A) establishes the terms and conditions of
15 employment for a specific construction project;
16 and

17 (B) is an agreement described in sub-
18 sections (e) and (f) of section 8 of the National
19 Labor Relations Act (29 U.S.C. 158).

20 (10) REGIONAL TRANSMISSION ORGANIZA-
21 TION.—The term “Regional Transmission Organiza-
22 tion” has the meaning given the term in section 3
23 of the Federal Power Act (16 U.S.C. 796).

24 (11) RENEWABLE ENERGY AND STORAGE.—
25 The term “renewable energy and storage” means

1 any 1 or more of wind, solar, geothermal, hydro-
2 power, or battery energy.

3 (12) SECRETARY.—The term “Secretary”
4 means the Secretary of Energy.

5 (13) TRANSMISSION PLANNING REGION.—The
6 term “Transmission Planning Region”—

7 (A) when used in a geographical sense,
8 means a region for which the Commission de-
9 termines that electric transmission planning is
10 appropriate, such as a region established in ac-
11 cordance with Order No. 1000 of the Commis-
12 sion, entitled “Transmission Planning and Cost
13 Allocation by Transmission Owning and Oper-
14 ating Public Utilities” (76 Fed. Reg. 49842
15 (August 11, 2011)); and

16 (B) when used in a corporate sense, means
17 the Regional Transmission Organization, Inde-
18 pendent System Operator, or other entity re-
19 sponsible for planning or operating electric
20 transmission facilities within a region described
21 in subparagraph (A).

1 **SEC. 203. ESTABLISHMENT OF DATA CENTER INTER-**
2 **CONNECTION REQUIREMENTS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Commission shall issue
5 1 or more rules requiring that—

6 (1) each Transmission Planning Region shall
7 establish a distinct data center interconnection
8 queue; and

9 (2) with respect to each such interconnection
10 queue, a data center corporation shall—

11 (A) pay a fee to join the interconnection
12 queue;

13 (B) pay a fee to exit the interconnection
14 queue, if the decision to exit the interconnection
15 queue is made by the data center owner or op-
16 erator;

17 (C) pay the full cost of any new or up-
18 graded infrastructure, including generation in-
19 frastructure and transmission infrastructure,
20 needed to serve the data center, directly or indi-
21 rectly;

22 (D) enter into a binding agreement with
23 the Transmission Planning Region to reduce or
24 shift their electricity usage during peak demand
25 periods and other periods of grid stress in re-

1 sponse to a request from the applicable electric
2 utility or Transmission Planning Region;

3 (E) utilize project labor agreements and
4 labor peace agreements; and

5 (F) meet the renewable energy and storage
6 requirements described in subsection (b).

7 (b) RENEWABLE ENERGY AND STORAGE REQUIRE-
8 MENTS.—

9 (1) REQUIREMENT FOR DATA CENTERS INTER-
10 CONNECTED AT THE TRANSMISSION LEVEL.—

11 (A) IN GENERAL.—Beginning on the appli-
12 cable date described in subparagraph (B), 100
13 percent of the peak megawatt demand of each
14 data center that is interconnected at the trans-
15 mission level shall be—

16 (i) derived from new renewable energy
17 and storage described in subparagraph (A)
18 or (B) paragraph (3);

19 (ii) energy for which the data center
20 makes a contribution to the Fund in ac-
21 cordance with subparagraph (C) of that
22 paragraph; or

23 (iii) offset with efficiency improve-
24 ments by using grid-enhancing technologies
25 or alternative transmission technologies

1 that increase delivery of power over trans-
2 mission networks, including—

- 3 (I) dynamic line ratings;
4 (II) topology optimization;
5 (III) power flow control; or
6 (IV) advanced conductors and
7 superconductors.

8 (B) DATE DESCRIBED.—The date referred
9 to in subparagraph (A) is—

10 (i) the date that is 2 years after the
11 date of enactment of this Act, with respect
12 to a data center interconnecting at the
13 transmission level on or after that date;
14 and

15 (ii) the date that is 20 years after the
16 date of enactment of this Act, with respect
17 to a data center that is already inter-
18 connected at the transmission level as of
19 the day before the date described in clause
20 (i).

21 (C) PHASE-IN FOR CERTAIN DATA CEN-
22 TERS.—With respect to a data center described
23 in subparagraph (B)(ii), the applicable data
24 center corporation shall ensure that—

1 (i) by January 1, 2030, not less than
2 40 percent of the [peak megawatt de-
3 mand] of the data center is in compliance
4 with subparagraph (A); and

5 (ii) by January 1, 2035, not less than
6 70 percent of the [peak megawatt de-
7 mand] of the data center is in compliance
8 with that subparagraph.

9 (2) RULES FOR DETERMINATIONS.—For pur-
10 poses of this subsection, any determination of the
11 peak megawatt demand of a data center, the
12 megawatts required by a data center, or the mone-
13 tary value of any megawatts in the applicable Trans-
14 mission Planning Region shall be—

15 (A) made by the data center, in partner-
16 ship with the applicable Transmission Planning
17 Region, on an annual basis; and

18 (B) subject to approval by the Commis-
19 sion, with the burden of proof on the data cen-
20 ter.

21 (3) COMPLIANCE STRATEGIES.—A data center
22 corporation shall ensure compliance with paragraph
23 (1) through a combination of the following ap-
24 proaches, as determined by the data center [cor-
25 poration for the applicable data center]:

1 (A) Adding renewable energy and storage
2 to the electric grid, subject to the conditions
3 that—

4 (i) the renewable energy and stor-
5 age—

6 (I) comes from new renewable
7 energy and storage sources built spe-
8 cifically to support the data center;

9 (II) is not existing renewable en-
10 ergy and storage diverted from the
11 electric grid; and

12 (III) is generated or stored in the
13 same Transmission Planning Region
14 as the data center; and

15 (ii) the electricity consumed by the
16 data center is matched, on an [hour-by-
17 hour / day-by-day] basis, by the renewable
18 energy and storage described in clause (i).

19 (B) Adding on-site renewable energy and
20 storage, which may account for not more than
21 20 percent of the total megawatts required to
22 meet [the total energy demand of the data cen-
23 ter / the peak megawatt demand of the data
24 center].

1 (C) Contributing to the Fund an amount
2 equal to the monetary value, in the applicable
3 Transmission Planning Region, of the
4 megawatts required by the data center for the
5 applicable year, which shall account for a min-
6 imum of 10 percent of the total megawatts re-
7 quired to meet the [total energy demand / peak
8 megawatt demand] of the data center.

9 (4) DISTRIBUTED RENEWABLE ENERGY
10 FUND.—

11 (A) ESTABLISHMENT.—The Secretary
12 shall establish a fund, to be known as the “Dis-
13 tributed Renewable Energy Fund”.

14 (B) DEPOSITS.—

15 (i) IN GENERAL.—There shall be de-
16 posited in the Fund such amounts as are
17 contributed by data centers pursuant to
18 paragraph (2)(C).

19 (ii) REQUIREMENT.—Deposits under
20 paragraph (2)(C) shall be made on an an-
21 nual basis.

22 (C) ADMINISTRATION.—

23 (i) FUND SEGREGATION.—The Sec-
24 retary shall segregate amounts in the
25 Fund based on the Transmission Planning

1 Regions in which the data centers for
2 which those funds were deposited are lo-
3 cated.

4 (ii) USES.—The Secretary shall use
5 amounts segregated for a Transmission
6 Planning Region under clause (i) to pro-
7 vide grants to States in that Transmission
8 Planning Region or relevant nonprofit or-
9 ganizations in those States for the pur-
10 poses of providing grants, loans, or other
11 forms of financial assistance to enable low-
12 income and disadvantaged communities to
13 deploy or benefit from distributed clean en-
14 ergy resources that utilize renewable en-
15 ergy, such as rooftop solar.

16 (c) PROHIBITION.—No new diesel storage facility
17 may be constructed to serve a data center constructed on
18 or after the date of enactment of this Act.

19 (d) ENFORCEMENT.—The Commission shall establish
20 fines for noncompliance with this section.

21 **SEC. 204. STATE CONSIDERATION OF STANDARDS.**

22 (a) IN GENERAL.—Section 111(d) of the Public Util-
23 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
24 is amended by adding at the end the following:

1 “(22) DATA CENTERS.—Each State shall con-
2 sider establishing frameworks and requirements con-
3 sistent with the frameworks and requirements de-
4 scribed in section 203 of the [_____ Act of
5 _____]”.

6 (b) COMPLIANCE.—

7 (1) TIME LIMITATION.—Section 112(b) of the
8 Public Utility Regulatory Policies Act of 1978 (16
9 U.S.C. 2622(b)) is amended—

10 (A) by indenting paragraphs (4) through
11 (8), and any subparagraphs within those para-
12 graphs, appropriately; and

13 (B) by adding at the end the following:

14 “(9)(A) Not later than 180 days after the date of
15 enactment of this paragraph, each State regulatory au-
16 thority (with respect to each electric utility for which the
17 State has ratemaking authority) and each nonregulated
18 electric utility shall commence consideration under section
19 111, or set a hearing date for consideration, with respect
20 to the standard established by paragraph (22) of section
21 111(d).

22 “(B) Not later than 1 year after the date of enact-
23 ment of this paragraph, each State regulatory authority
24 (with respect to each electric utility for which the State
25 has ratemaking authority), and each nonregulated electric

1 utility shall complete the consideration and make the de-
2 termination under section 111 with respect to the stand-
3 ard established by paragraph (22) of section 111(d).”.

4 (2) FAILURE TO COMPLY.—Section 112(c) of
5 the Public Utility Regulatory Policies Act of 1978
6 (16 U.S.C. 2622(c)) is amended by adding at the
7 end the following: “In the case of the standard es-
8 tablished by paragraph (22) of section 111(d), the
9 reference contained in this subsection to the date of
10 enactment of this Act shall be deemed to be a ref-
11 erence to the date of enactment of that paragraph
12 (22).”.

13 (3) PRIOR STATE ACTIONS.—

14 (A) IN GENERAL.—Section 112 of the
15 Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622) is amended—

17 (i) in subsection (h), in the subsection
18 heading, by striking “OTHER”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
22 (c) shall not apply to the standard established by para-
23 graph (22) of section 111(d) in the case of any electric
24 utility in a State if, before the date of enactment of this
25 subsection—

1 “(1) the State has implemented the standard
2 (or a comparable standard) for the electric utility;

3 “(2) the State regulatory authority for the
4 State or the relevant nonregulated electric utility has
5 conducted a proceeding to consider implementation
6 of the standard (or a comparable standard) for the
7 electric utility; or

8 “(3) the State legislature has voted on the im-
9 plementation of the standard (or a comparable
10 standard) for the electric utility during the 3-year
11 period ending on that date of enactment.”.

12 (B) CROSS-REFERENCE.—Section 124 of
13 the Public Utility Regulatory Policies Act of
14 1978 (16 U.S.C. 2634) is amended by adding
15 at the end the following: “In the case of the
16 standard established by paragraph (22) of sec-
17 tion 111(d), the reference contained in this sec-
18 tion to the date of enactment of this Act shall
19 be deemed to be a reference to the date of en-
20 actment of that paragraph (22).”.