

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3523  
OFFERED BY MR. MCNERNEY OF CALIFORNIA**

At the end of the bill add the following new section:

1 **SEC. 3. PROHIBITION ON RESTRICTIONS ON DATA CENTER**  
2 **LOCATIONS.**

3 (a) PROHIBITION.—Except as expressly authorized  
4 by a provision of Federal law, no law, rule, regulation,  
5 order, or other administrative action of a State or a polit-  
6 ical subdivision of a State shall require that a business  
7 entity locate a data center in such State or such political  
8 subdivision as a condition for receiving a certification, li-  
9 cense, or other approval relating to the operation of such  
10 business entity.

11 (b) DEFINITIONS.—In this section:

12 (1) BUSINESS ENTITY.—The term “business  
13 entity” means a person or entity performing or en-  
14 gaging in an activity, enterprise, profession, or occu-  
15 pation for gain, benefit, advantage, or livelihood,  
16 whether for profit or not for profit. Such term does  
17 not include a State or a political subdivision of a  
18 State.

1           (2) DATA CENTER.—The term “data center”  
2           means a facility that primarily contains electronic  
3           equipment used to process, store, or transmit digital  
4           information and that processes, stores, or transmits  
5           digital information in or affecting interstate or for-  
6           eign commerce.

