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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To limit the enforceability of predispute nondisclosure contract clauses
relating to the building of data centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANDSMAN introduced the following bill; which was referred to the
Committee on _____

A BILL

To limit the enforceability of predispute nondisclosure con-
tract clauses relating to the building of data centers,
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 Secrets for Data
5 Centers Act of 2026”.

1 **SEC. 2. LIMITATION ON JUDICIAL ENFORCEABILITY OF**
2 **PREDISPUTE NONDISCLOSURE CONTRACT**
3 **CLAUSES RELATING TO THE BUILDING OF**
4 **DATA CENTERS.**

5 (a) IN GENERAL.—With respect to the building of a
6 data center, a covered predispute nondisclosure clause
7 shall be void and unenforceable in judicial and arbitration
8 proceedings.

9 (b) LIMITATION ON PUBLIC INCENTIVES.—A data
10 center operator may not receive any public incentive that
11 is conditioned on consent to prohibit, restrict, or penalize
12 disclosure of information related to the building of a data
13 center.

14 (c) DEFINITIONS.—For purposes of this Act:

15 (1) NONDISCLOSURE CLAUSE.—The term “non-
16 disclosure clause” means a provision in a contract or
17 agreement that requires 1 or more parties to the
18 contract or agreement not to disclose or discuss con-
19 duct, the existence of a settlement involving conduct,
20 or information, covered by the terms and conditions
21 of the contract or agreement.

22 (2) PREDISPUTE NONDISCLOSURE CLAUSE.—
23 The term “predispute nondisclosure clause” means a
24 nondisclosure clause agreed to before a lawsuit is
25 filed under Federal, State, or Tribal law.

1 (3) COVERED PREDISPUTE NONDISCLOSURE
2 CLAUSE.—The term “covered predispute nondisclo-
3 sure clause” means a predispute nondisclosure
4 clause in a contract or agreement—

5 (A) with respect to which a public official
6 is a party in that person’s capacity as a public
7 official; or

8 (B) that contains a provision related to
9 public funds, public land, or a public incentive.

10 (4) DATA CENTER.—The term “data center”
11 means—

12 (A) any facility that—

13 (i) primarily contains electronic equip-
14 ment used to process, store, and transmit
15 digital information; and

16 (ii) has a maximum rated power ca-
17 pacity or projected peak power load of
18 greater than 50 megawatts; or

19 (B) any group of facilities—

20 (i) the majority of which primarily
21 contain electronic equipment used to proc-
22 ess, store, and transmit digital informa-
23 tion; and

24 (ii) that, in the aggregate, have a
25 maximum rated power capacity or pro-

1 jected peak power load of greater than 50
2 megawatts.

3 (5) DATA CENTER OPERATOR.—The term “data
4 center operator” means any person or government
5 entity that builds or operates a data center or pur-
6 chases data center services, equipment, and facili-
7 ties.

8 (6) PUBLIC OFFICIAL.—The term “public offi-
9 cial” means an individual who, at the time a con-
10 tract or agreement is agreed to, is an officer or em-
11 ployee of a Federal, State, Tribal, or local unit of
12 government in the United States.

13 (7) PUBLIC INCENTIVE.—The term “public in-
14 centive” includes a tax incentive, payment in lieu of
15 a tax assessment, a tax abatement, a bond, a note,
16 a loan, a grant, or a rebate, issued by a Federal,
17 State, Tribal, or local government entity.

18 (d) APPLICABILITY.—This Act shall only apply with
19 respect to a claim that is filed under Federal, State, or
20 Tribal law on or after the date of the enactment of this
21 Act.

22 (e) RULES OF CONSTRUCTION.—Nothing in this Act
23 may be construed—

24 (1) to prohibit a State or locality from enforce-
25 ing a provision of State law governing nondisclosure

1 clauses that is at least as protective of the right of
2 an individual to speak freely, as provided by this
3 Act; or

4 (2) to prevent the filing of information related
5 to the building of a data center on a confidential
6 basis with a public utility commission or any other
7 similar State agency that regulates utilities, which
8 filing is not for the purpose of the receipt of a public
9 incentive.