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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To establish prohibitions on certain entities with respect to data centers, data center services, and cloud services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To establish prohibitions on certain entities with respect to data centers, data center services, and cloud services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Digital Infrastructure Security Act of 2026''.

SEC. 2. PROHIBITIONS ON CERTAIN ENTITIES WITH RESPECT TO DATA CENTERS, DATA CENTER SERVICES, AND CLOUD SERVICES.

(a) IN GENERAL.—A covered entity may not—

(1) own or operate a data center that is located in the United States; or

(2) provide data center services or cloud services to, or receive data center services or cloud services from, a United States person.

(b) WAIVER.—

(1) APPLICATION.—A covered entity may submit to the Commission an application for a waiver of any provision of this section or a regulation promulgated under this section.

(2) GRANTING OF WAIVER.—After receiving an application for a waiver under this subsection, the Commission may, subject to such conditions as the Commission considers appropriate, grant such waiver if a written finding that such waiver does not pose an unacceptable risk to the national security of the United States or the security and safety of United States persons is issued by any of the following:

(A) Any executive branch interagency body with appropriate national security expertise.

(B) The Department of Commerce.

(C) An appropriate national security agency (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

(3) DURATION.—A waiver granted under this subsection shall expire not later than 1 year after the date on which such waiver is granted.

(4) RENEWAL.—A covered entity that is granted a waiver under this subsection may submit to the Commission an application for renewal of such waiver, and the Commission may grant such renewal, subject to paragraphs (2) and (3) in the same manner as an initial waiver, including the issuance of a subsequent written finding under paragraph (2).

(5) RECORDKEEPING.—The Commission shall maintain a record of all waivers (including renewals) granted or denied under this subsection.

(c) ENFORCEMENT.—

(1) IN GENERAL.—The Commission shall enforce this section as if this section is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this section, or a regulation promulgated under this section, shall be considered to be a violation of the Communications Act of 1934,

or a regulation promulgated under such Act, respectively.

(2) FORFEITURE AMOUNT.—Notwithstanding paragraph (2) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)), the amount of any forfeiture penalty determined under such section with respect to a violation of this section may not exceed $1,000,000 for each violation or each day of a continuing violation.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations to implement this section.

(e) PAPERWORK REDUCTION ACT EXEMPTION.—Subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act'') does not apply to any collection of information conducted or sponsored to implement this section.

(f) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) any enforcement actions taken under this section; and

(2) any waivers (including renewals) granted or denied under subsection (b).

(g) DEFINITIONS.—In this section:

(1) CLOUD SERVICE.—The term ''cloud service'' means a service that provides, to remote users, by means of electronic communications, computer processing or electronic data storage or hosting services.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED ENTITY.—The term ''covered entity'' means the following:

(A) An entity that produces or provides any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

(B) An entity the authorization of which under section 214 of the Communications Act of 1934 (47 U.S.C. 214) has been revoked in whole or in part on law enforcement or national security grounds, unless such authorization has been reinstated or a new such authorization with respect to the same activities as the revoked authorization has been issued to such entity.

(C) An entity that is an affiliate or subsidiary (including a joint venture partner) of an entity described in subparagraph (A) or (B).

(D) An entity that has a technology licensing or data sharing agreement with an entity described in subparagraph (A) or (B) (in this subparagraph referred to as the ''counterparty'') that enables the counterparty to directly access, process, store, route, monitor, redirect, or transmit data of United States persons, or to operate, manage, or exert technical control over data center services or cloud services provided to or received from a United States person, if such entity knew or reasonably should have known that the counterparty was a covered entity at the time of entering into such agreement (or, in the case of a renewal of such an agreement, at the time of entering into such renewal).

(4) DATA CENTER.—The term ''data center''—

(A) means a facility used to store, manage, process, and disseminate electronic information for a computer network; and

(B) includes any facility that—

(i) is composed of 1 or more permanent or semi-permanent structures, or that is a dedicated space within such a structure, and operates persistently in a fixed location;

(ii) is used for the housing of information technology equipment, such as servers, mainframe computers, high-performance computing devices, and data-storage devices; and

(iii) is used for the hosting of information or information systems that are accessed by other systems or by users on other devices.

(5) DATA CENTER SERVICE.—The term ''data center service'' means any of the following:

(A) The procurement, installation, or management of technology or services for a data center, including the provision of electrical power or network connections.

(B) Colocation services or interconnection services provided through a data center.

(6) UNITED STATES PERSON.—The term ''United States person'' means the following:

(A) An individual who is located in the United States.

(B) An entity that is organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity).

(h) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply beginning on the date of the enactment of this Act.

(2) EXISTING ACTIVITIES AND CONTRACTS.—This section shall apply beginning on the date that is 180 days after the date of the enactment of this Act with respect to—

(A) the ownership or operation by a covered entity of a data center that is owned or operated by such covered entity on the date of the enactment of this Act; and

(B) the provision or receipt of data center services or cloud services under a contract that is in effect on the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this section, or the application of such provision to any person or circumstance, is held to be unconstitutional or otherwise in-

valid, the remainder of this section, and the application of the provisions of this section to any other person or circumstance, are not affected thereby.