



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3980

Introduced 10/30/2024, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Data Center Construction by Foreign Adversaries Act. Provides that no foreign company may construct or cause to be constructed a data center in the State unless the Illinois Commerce Commission, the Illinois Power Agency, and the Department of Commerce and Economic Opportunity conduct a joint study of the energy consumption of the prospective data center and certify to the Governor and the General Assembly that the energy used by the new data center is a new self-generated load and does not affect the load supply of PJM or MISO. Provides that the term "foreign company" means an entity that (i) is at least 51% owned by a foreign adversary or (ii) is headquartered in a country with a government that is a foreign adversary.

LRB103 42833 HLH 76084 b

1 AN ACT concerning data centers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Data
5 Center Construction by Foreign Adversaries Act.

6 Section 5. Data center construction by foreign adversaries
7 prohibited.

8 (a) Notwithstanding any other provision of law, on and
9 after the effective date of this Act, no foreign company may
10 construct or cause to be constructed a data center in the State
11 unless the Illinois Commerce Commission, the Illinois Power
12 Agency, and the Department of Commerce and Economic
13 Opportunity conduct a joint study of the energy consumption of
14 the prospective data center and certify to the Governor and
15 the General Assembly that the energy estimated to be used by
16 the data center is a self-generated load and does not affect
17 the load supply of PJM or MISO.

18 (b) As used in this Section:

19 "Company" means a sole proprietorship, organization,
20 association, corporation, partnership, joint venture, limited
21 partnership, limited liability partnership, limited liability
22 company, or other entity or business association, including
23 all wholly owned subsidiaries, majority-owned subsidiaries,

1 parent companies, or affiliates of those entities or business
2 associations.

3 "Data center" has the meaning given to that term in
4 Section 605-1025 of the Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois.

6 "Foreign company" means a company that:

7 (1) is at least 51% owned by a foreign adversary, as
8 defined in 15 CFR 791.2; or

9 (2) is headquartered in a country with a government
10 that is a foreign adversary, as defined in 15 CFR 791.2.

11 "MISO" means the regional transmission organization known
12 as the Midcontinent Independent System Operator, Inc.

13 "PJM" means the regional transmission organization known
14 as PJM Interconnection, LLC.