

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Clean Air Act to establish requirements on the collection of electricity consumption data and emissions standards for servers and other computing equipment used for cryptocurrency mining, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Clean Air Act to establish requirements on the collection of electricity consumption data and emissions standards for servers and other computing equipment used for cryptocurrency mining, 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 “Clean Cloud Act of  
5 2025”.

6 **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) data centers are estimated to account for  
2 approximately—

3                   (A) 1 percent of global electricity demand;  
4 and

5                   (B) 4 percent of United States electricity  
6 use;

7           (2) the growing demand for information tech-  
8 nology and artificial intelligence will increase the de-  
9 mand for data center services;

10           (3) the global COVID–19 pandemic has further  
11 increased the demand described in paragraph (2) be-  
12 yond previous projections;

13           (4) data centers are projected to account for up  
14 to 12 percent of United States electricity use by  
15 2028;

16           (5) future electricity consumption and efficiency  
17 trends will be determined by management practices,  
18 demand for services, and adoption of efficient tech-  
19 nologies;

20           (6) proof-of-work cryptocurrencies are by design  
21 an increasingly energy intensive process;

22           (7) studies estimate that—

23                   (A) the total network hashrate for Bitcoin  
24 mining in the United States has increased 739

1 percent between September 2020 and January  
2 2022; and

3 (B) as of July 2021, the greatest share of  
4 Bitcoin mining occurs in the United States;

5 (8) there is a lack of transparency regarding  
6 the energy sources used to power domestic  
7 cryptomining and many data center operations; and

8 (9) retired and retiring fossil fuel plants in the  
9 United States are being brought back online to  
10 power cryptomining facilities and data centers,  
11 which increases associated carbon emissions.

12 **SEC. 3. EMISSIONS FROM POWER CONSUMPTION OF DATA**  
13 **CENTERS AND CRYPTOMINING FACILITIES.**

14 Part A of title I of the Clean Air Act (42 U.S.C. 7401  
15 et seq.) is amended by adding at the end the following:

16 **“SEC. 139. EMISSIONS FROM POWER CONSUMPTION OF**  
17 **DATA CENTERS AND CRYPTOMINING FACILI-**  
18 **TIES.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) COVERED FACILITY.—The term ‘covered  
21 facility’ means a data center or cryptomining facility  
22 that has more than 100 kilowatts of installed infor-  
23 mation technology nameplate power.

24 “(2) CRYPTOMINING FACILITY.—The term  
25 ‘cryptomining facility’ means a facility used to mine

1 or create cryptocurrencies or other blockchain based  
2 digital assets, which may be—

3 “(A) a freestanding structure; or

4 “(B) a facility within a larger structure  
5 that uses environmental control equipment to  
6 maintain the proper conditions for the oper-  
7 ation of electronic equipment.

8 “(3) DATA CENTER.—The term ‘data center’  
9 has the meaning given the term in section 453(a) of  
10 the Energy Independence and Security Act of 2007  
11 (42 U.S.C. 17112(a)).

12 “(4) ELECTRIC UTILITY.—The term ‘electric  
13 utility’ has the meaning given the term in section 3  
14 of the Federal Power Act (16 U.S.C. 796).

15 “(5) REGION.—The term ‘region’ means a geo-  
16 graphic region described in the National Trans-  
17 mission Needs Study of the Department of Energy,  
18 dated October 30, 2023.

19 “(b) ANNUAL DATA COLLECTION OF ENERGY CON-  
20 SUMPTION OF DATA CENTERS AND CRYPTOMINING FA-  
21 CILITIES.—

22 “(1) IN GENERAL.—The Administrator, in con-  
23 junction with the Administrator of the Energy Infor-  
24 mation Administration, shall annually collect—

1           “(A) the information described in para-  
2 graph (2) from the owners of covered facilities,  
3 including federally owned data centers located  
4 within the United States and territories of the  
5 United States; and

6           “(B) the information described in para-  
7 graph (3) from the electric utilities that serve  
8 covered facilities.

9           “(2) INFORMATION DESCRIBED FOR COVERED  
10 FACILITIES.—The information referred to in para-  
11 graph (1)(A), with respect to a covered facility, is—

12           “(A) the location of the covered facility, in-  
13 cluding in which balancing authority area the  
14 covered facility is located;

15           “(B) whether the covered facility is a data  
16 center or a cryptomining facility;

17           “(C) the owner of the covered facility;

18           “(D) the electric utility, if any, that pro-  
19 vides power to the covered facility;

20           “(E) the total annual electricity consump-  
21 tion of the covered facility;

22           “(F) the total annual electricity consumed  
23 by the covered facility from electricity genera-  
24 tion assets located behind the power meter of  
25 the covered facility;

1           “(G) subject to paragraph (5), the percent-  
2           age of electricity consumed annually by the cov-  
3           ered facility from electricity generation assets  
4           located behind the power meter of the covered  
5           facility that is generated from wind, solar, hy-  
6           dropower, nuclear, coal, gas, and any other  
7           power source;

8           “(H) the terms of any power purchase  
9           agreements or other contractual mechanisms  
10          for procuring power from an electricity gener-  
11          ator that the covered facility is party to; and

12          “(I) any other relevant information, as rea-  
13          sonably determined by the Administrator and  
14          the Administrator of the Energy Information  
15          Administration.

16          “(3) INFORMATION DESCRIBED FOR ELECTRIC  
17          UTILITIES.—The information referred to in para-  
18          graph (1)(B), with respect to each covered facility  
19          served by an electric utility, is—

20                 “(A) the total annual electricity consumed  
21                 by the covered facility from the electric grid;

22                 “(B) subject to paragraph (4), the percent-  
23                 age of electricity consumed annually by the cov-  
24                 ered facility from the electric grid that is gen-

1 erated from wind, solar, hydropower, nuclear,  
2 coal, gas, and any other power source;

3 “(C) the rates charged by the electric util-  
4 ity for each class of electric consumer for the  
5 current year and each of the 3 prior years; and

6 “(D) any other relevant information, as  
7 reasonably determined by the Administrator  
8 and the Administrator of the Energy Informa-  
9 tion Administration.

10 “(4) ELECTRICITY CONSUMED FROM THE ELEC-  
11 TRIC GRID.—For purposes of collecting the informa-  
12 tion described in paragraph (3)(B) with respect to a  
13 covered facility—

14 “(A) the Administrator, in conjunction  
15 with the Administrator of the Energy Informa-  
16 tion Administration, shall consider the average  
17 resource mix of the electric utilities that serve  
18 the covered facility to be the resource mix for  
19 the portion of electricity consumed annually  
20 from the electric grid by a covered facility that  
21 is not described in subparagraph (B); and

22 “(B) if the covered facility or the owner of  
23 the covered facility is party to a power purchase  
24 agreement or other contractual mechanism for  
25 procuring power from an electricity generation





1 curred not more than 36 months before  
2 the date on which operations began at the  
3 covered facility;

4 “(V) the power purchase agreement or  
5 other contractual mechanism was finalized  
6 before the date of enactment of this sec-  
7 tion; or

8 “(VI)(aa) the electricity generation  
9 asset has undergone or will undergo a ret-  
10 rofit that reduces the greenhouse emissions  
11 intensity of the electricity generation asset,  
12 expressed in terms of metric tons of carbon  
13 dioxide-equivalent of greenhouse gases per  
14 kilowatt-hour, by not less than 75 percent,  
15 as compared to before the retrofit; and

16 “(bb) the retrofit otherwise would not  
17 have occurred, even after the use of exist-  
18 ing public funding programs, without the  
19 power purchase agreement or other con-  
20 tractual mechanism;

21 “(ii) the electricity is generated—

22 “(I) in the same calendar year as  
23 the electricity is consumed by the cov-  
24 ered facility, in the case of electricity

1 that is generated before January 1,  
2 2028; and

3 “(II) in the same hour as the  
4 electricity is consumed by the covered  
5 facility or an energy storage asset  
6 that serves the covered facility, in the  
7 case of electricity that is generated  
8 after December 31, 2027;

9 “(iii)(I) the electricity generation  
10 asset that produced the electricity is elec-  
11 trically interconnected to a balancing au-  
12 thority located in the same region as the  
13 covered facility; or

14 “(II) the owner of the electricity gen-  
15 eration asset can demonstrate that the  
16 power produced by the electricity genera-  
17 tion asset is physically delivered to the cov-  
18 ered facility, as determined by the Admin-  
19 istrator, in coordination with the Secretary  
20 of Energy; and

21 “(iv) the electricity generation rep-  
22 resented by the power purchase agreement  
23 or other contractual mechanism for pro-  
24 curing power from an electricity generation  
25 asset are claimed exclusively by the covered

1 facility through the retirement of an equiv-  
2 alent quantity of energy attribute certifi-  
3 cates.

4 “(5) ELECTRICITY CONSUMED FROM ASSETS  
5 BEHIND THE METER.—For purposes of collecting  
6 the information described in paragraph (2)(G) with  
7 respect to a covered facility—

8 “(A) the Administrator, in conjunction  
9 with the Administrator of the Energy Informa-  
10 tion Administration, shall consider the average  
11 resource mix of the electric utilities that serve  
12 the covered facility to be the resource mix for  
13 the portion of electricity consumed annually by  
14 the covered facility from electricity generation  
15 assets located behind the power meter of a cov-  
16 ered facility that is not described in subpara-  
17 graph (B); and

18 “(B) the Administrator, in conjunction  
19 with the Administrator of the Energy Informa-  
20 tion Administration, shall consider the elec-  
21 tricity generated by electricity generation assets  
22 located behind the power meter of the covered  
23 facility as part of the electricity consumed an-  
24 nually by the covered facility from electricity

1 generation assets located behind the power  
2 meter of the covered facility only if—

3 “(i) the owner of the covered facility  
4 can demonstrate that—

5 “(I) the electricity generation  
6 asset began operations not more than  
7 36 months before the date on which  
8 operations began at the covered facil-  
9 ity; or

10 “(II) the electricity generation  
11 asset would otherwise be retired and  
12 the retirement could not be prevented  
13 by the use of existing public funding  
14 programs; or

15 “(ii) the Administrator determines  
16 that the greenhouse gas emissions inten-  
17 sity, expressed in terms of metric tons of  
18 carbon dioxide-equivalent of greenhouse  
19 gases per kilowatt-hour, of the electricity  
20 generation asset is higher than the green-  
21 house gas emissions intensity of the elec-  
22 tric utilities that serve the covered facility,  
23 based on the average resource mix of those  
24 electric utilities.

1           “(6) GREENHOUSE GAS EMISSIONS INTEN-  
2           SITY.—Based on the information collected under  
3           paragraph (1), for each covered facility, the Admin-  
4           istrator shall determine the greenhouse gas emission  
5           intensity, expressed in terms of metric tons of car-  
6           bon dioxide-equivalent of greenhouse gases per kilo-  
7           watt-hour, of—

8                   “(A) the total annual electricity consumed  
9                   by the covered facility from the electric grid;  
10                  and

11                   “(B) the total annual electricity consumed  
12                   by the covered facility from electricity genera-  
13                   tion assets located behind the power meter of  
14                   the covered facility.

15           “(7) PUBLICLY AVAILABLE.—The Adminis-  
16           trator shall make publicly available on an annual  
17           basis—

18                   “(A) for each covered facility—

19                           “(i) the information described in each  
20                           of subparagraphs (A), (B), (C), and (D) of  
21                           paragraph (2);

22                           “(ii) the percent of electricity con-  
23                           sumed annually by the covered facility that  
24                           is generated from wind, solar, hydropower,

1 nuclear, coal, gas, and any other power  
2 source; and

3 “(iii) the greenhouse gas emissions in-  
4 tensity of the total annual electricity con-  
5 sumed by the covered facility, as deter-  
6 mined under paragraph (6); and

7 “(B) for each owner of a covered facility,  
8 the aggregate annual electricity consumption of  
9 all covered facilities owned by that owner.

10 “(8) CONFIDENTIAL BUSINESS INFORMA-  
11 TION.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), of the information collected  
14 under paragraph (1), the Administrator and the  
15 Administrator of the Energy Information Ad-  
16 ministration shall treat the information de-  
17 scribed in each of subparagraphs (E) and (F)  
18 of paragraph (2) and subparagraph (A) of  
19 paragraph (3) as confidential business informa-  
20 tion.

21 “(B) EXCEPTION.—Subparagraph (A)  
22 does not apply to information that is required  
23 to be made publicly available pursuant to para-  
24 graph (7)(C).

25 “(c) EMISSIONS PERFORMANCE STANDARD.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) BASELINE.—The term ‘baseline’,  
3 with respect to a covered facility in a calendar  
4 year, means the baseline of the region the cov-  
5 ered facility is located in for that calendar year  
6 as determined under paragraph (2).

7 “(B) GREENHOUSE GAS.—

8 “(i) IN GENERAL.—The term ‘green-  
9 house gas’ means the air pollutants carbon  
10 dioxide, any hydrofluorocarbon, methane,  
11 nitrous oxide, any perfluorocarbon, and  
12 sulfur hexafluoride.

13 “(ii) GLOBAL WARMING POTENTIAL.—  
14 For purposes of the term ‘methane’ in  
15 clause (i), the Administrator shall use the  
16 20-year global warming potential of meth-  
17 ane, as determined in accordance with the  
18 Sixth Assessment Report of the Intergov-  
19 ernmental Panel on Climate Change.

20 “(2) DETERMINATION OF BASELINE.—

21 “(A) PUBLICATION OF BASELINE.—Not  
22 later than December 31, 2025, the Adminis-  
23 trator shall determine and publish in the Fed-  
24 eral Register the greenhouse gas emissions in-  
25 tensities of the electric grid of each region, ex-





1           this subparagraph and using the informa-  
2           tion collected under subsection (b) but sub-  
3           ject to subparagraphs (C) and (D), assess  
4           on the owner of any electric utility pro-  
5           viding power to a covered facility a fee  
6           with respect to the greenhouse gas emis-  
7           sions of the electricity consumed by the  
8           covered facility from the electric grid above  
9           the baseline of the region the covered facil-  
10          ity is located in for that calendar year.

11           “(ii) AMOUNT OF FEE.—The amount  
12          of a fee assessed under clause (i) with re-  
13          spect to an electric utility for a calendar  
14          year shall be the sum obtained by adding,  
15          for each covered facility served by the elec-  
16          tric utility, the product (rounded to the  
17          nearest dollar) obtained by multiplying—

18                   “(I) the total electricity con-  
19                   sumed by the covered facility from the  
20                   electric grid during the calendar year,  
21                   as expressed in kilowatt-hours;

22                   “(II) subject to clause (iii), \$20;  
23                   and

24                   “(III) the amount, if any, that  
25                   the greenhouse gas emissions intensity

1 of the electricity consumed by the cov-  
2 ered facility from the electric grid, ex-  
3 pressed in terms of metric tons of car-  
4 bon dioxide-equivalent of greenhouse  
5 gases per kilowatt-hour, exceeds the  
6 baseline of the region the covered fa-  
7 cility is located in for the calendar  
8 year.

9 “(iii) FEE ADJUSTMENT.—Beginning  
10 in calendar year 2027, the Administrator  
11 shall annually increase the amount de-  
12 scribed in clause (ii)(II) by the sum ob-  
13 tained by adding—

14 “(I) the product obtained by mul-  
15 tiplying—

16 “(aa) the applicable amount  
17 under clause (ii)(II) during the  
18 previous calendar year; and

19 “(bb) the rate of inflation,  
20 as determined by the Adminis-  
21 trator using the changes for the  
22 12-month period ending the pre-  
23 ceeding November 30 in the Con-  
24 sumer Price Index for All Urban  
25 Consumers published by the Bu-



1 the calendar year after the calendar year  
2 for which the fee is assessed.

3 “(vi) PASS-THROUGH LIMITATION.—

4 “(I) IN GENERAL.—Any electric  
5 utility assessed a fee under clause (i)  
6 may not recoup the cost of the fee by  
7 raising rates or assessing fees on any  
8 customer that is not a covered facility.

9 “(II) MONITORING COMPLI-  
10 ANCE.—The Administrator, in con-  
11 junction with the Administrator of the  
12 Energy Information Administration,  
13 shall use the best available data, in-  
14 cluding the information collected pur-  
15 suant to subsection (b)(1)(B) and de-  
16 scribed in subsection (b)(3)(C), to  
17 monitor the compliance of electric  
18 utilities with subclause (I).

19 “(III) PENALTY.—If the Admin-  
20 istrator, in conjunction with the Ad-  
21 ministrator of the Energy Information  
22 Administration, determines that an  
23 electric utility has violated subclause  
24 (I), the Administrator shall assess a  
25 fine on the electric utility in an

1 amount equal to 2 times the amount  
2 recouped by the electric utility, as de-  
3 scribed in subclause (I), from cus-  
4 tomers that are not covered facilities.

5 “(B) FEE ON COVERED FACILITIES.—

6 “(i) IMPOSITION OF FEE ON COVERED  
7 FACILITIES.—Beginning on January 1,  
8 2026, the Administrator shall, in accord-  
9 ance with this subparagraph and using the  
10 information collected under subsection (b)  
11 but subject to subparagraphs (C) and (D),  
12 assess on the owner of any covered facility  
13 a fee with respect to the greenhouse gas  
14 emissions of the electricity consumed by  
15 the covered facility from electricity genera-  
16 tion assets located behind the power meter  
17 of the covered facility above the baseline of  
18 the region the covered facility is located in  
19 for that calendar year.

20 “(ii) AMOUNT OF FEE.—The amount  
21 of a fee assessed under clause (i) with re-  
22 spect to a covered facility for a calendar  
23 year shall be the product (rounded to the  
24 nearest dollar) obtained by multiplying—

1                   “(I) the total electricity con-  
2                   sumed by the covered facility from  
3                   electricity generation assets located  
4                   behind the power meter of the covered  
5                   facility during the calendar year, as  
6                   expressed in kilowatt-hours;

7                   “(II) subject to clause (iii), \$20;  
8                   and

9                   “(III) the amount, if any, that  
10                  the greenhouse gas emissions intensity  
11                  of the electricity consumed by the cov-  
12                  ered facility from electricity genera-  
13                  tion assets located behind the power  
14                  meter of the covered facility, ex-  
15                  pressed in terms of metric tons of car-  
16                  bon dioxide-equivalent of greenhouse  
17                  gases per kilowatt-hour, exceeds the  
18                  baseline of the region the covered fa-  
19                  cility is located in for the calendar  
20                  year.

21                  “(iii) FEE ADJUSTMENT.—Beginning  
22                  in calendar year 2027, the Administrator  
23                  shall annually increase the amount de-  
24                  scribed in clause (ii)(II) by the sum ob-  
25                  tained by adding—

1 “(I) the product obtained by mul-  
2 tiplying—

3 “(aa) the applicable amount  
4 under clause (ii)(II) during the  
5 previous calendar year; and

6 “(bb) the rate of inflation,  
7 as determined by the Adminis-  
8 trator using the changes for the  
9 12-month period ending the pre-  
10 ceeding November 30 in the Con-  
11 sumer Price Index for All Urban  
12 Consumers published by the Bu-  
13 reau of Labor Statistics of the  
14 Department of Labor; and

15 “(II) \$10.

16 “(iv) NOTIFICATION OF FEE  
17 AMOUNT.—Not later than January 31,  
18 2027, and not later than January 31 of  
19 each calendar year thereafter, the Adminis-  
20 trator shall notify the owner of each cov-  
21 ered facility the amount of the fee that is  
22 assessed with respect to the covered facility  
23 for the previous calendar year under clause  
24 (i).

1                   “(v) REMITTANCE OF FEE AMOUNT.—

2                   A fee assessed under clause (i) for a cal-  
3                   endar year shall be due and payable to the  
4                   Administrator not later than March 31 of  
5                   the calendar year after the calendar year  
6                   for which the fee is assessed.

7                   “(C) APPLICABILITY TO ZERO-CARBON  
8                   ELECTRICITY GENERATION ASSETS.—This  
9                   paragraph shall not apply to a covered facility  
10                  if the Administrator, in conjunction with the  
11                  Administrator of the Energy Information Ad-  
12                  ministration, determines, pursuant to the infor-  
13                  mation collected under subsection (b), that the  
14                  covered facility is powered entirely by zero-car-  
15                  bon electricity generation assets during all  
16                  hours of the operation of the covered facility.

17                  “(D) ALTERNATIVE BASELINE.—If the Ad-  
18                  ministrator determines at any point that the  
19                  greenhouse gas emissions intensity of the elec-  
20                  tric grid of any region falls below the baseline  
21                  of that region, during the period beginning on  
22                  the date of that determination and ending on  
23                  the date on which the Administrator determines  
24                  that the determination is no longer applicable,  
25                  subparagraphs (A) and (B) shall be applied to



1 covered facilities located in that region by sub-  
2 stituting ‘greenhouse gas emissions intensity of  
3 the electric grid’ for ‘baseline’.

4 “(4) USE OF FUNDS.—

5 “(A) ADMINISTRATION.—For fiscal year  
6 2028 and each fiscal year thereafter, there are  
7 appropriated, out of any funds in the Treasury  
8 not otherwise appropriated, to the Adminis-  
9 trator an amount equal to 3 percent of the  
10 amounts collected pursuant to fees and pen-  
11 alties assessed under paragraph (3) during the  
12 previous calendar year to support the adminis-  
13 tration of the reporting program under sub-  
14 section (b) and the assessment of the fees and  
15 penalties under this subsection.

16 “(B) CONSUMER ENERGY COSTS.—For fis-  
17 cal year 2028 and each fiscal year thereafter,  
18 there are appropriated, out of any funds in the  
19 Treasury not otherwise appropriated, to the Ad-  
20 ministrator an amount equal to 25 percent of  
21 the amounts collected pursuant to fees and pen-  
22 alties assessed under paragraph (3) during the  
23 previous calendar year to award grants to  
24 States, Indian Tribes, municipalities, and elec-  
25 tric utilities to support programs that lower res-



1 retrofits, at capacity factors greater  
2 than 70 percent; or

3 “(II) long-duration energy stor-  
4 age assets that are capable of continu-  
5 ously discharging energy at their  
6 rated power output for at least 10  
7 hours.

8 “(ii) APPLICATION.—An eligible entity  
9 seeking an award under clause (i) shall  
10 submit to the Administrator an application  
11 at such time, in such manner, and con-  
12 taining such information as the Adminis-  
13 trator may require.

14 “(iii) CERTIFICATION AND  
15 CLAWBACK.—

16 “(I) CERTIFICATION.—An eligi-  
17 ble entity that receives an award  
18 under clause (i) for the purpose of fi-  
19 nancing the construction or operation  
20 of an electricity generation asset or  
21 energy storage asset shall certify that  
22 any electric utility selling or con-  
23 tracted to sell electricity generated or  
24 stored by the asset shall—

1                   “(aa) not later than 2 years  
2 after the date on which the eligi-  
3 ble entity receives the award,  
4 allow the customers of the elec-  
5 tric utility to voluntarily pay a  
6 higher rate for the purchase of  
7 electricity service that is sourced  
8 from zero-carbon electricity gen-  
9 eration, including long-duration  
10 energy storage assets charged by  
11 zero-carbon electricity, in all  
12 hours of the year; and

13                   “(bb) exclusively use the ad-  
14 ditional amounts collected pursu-  
15 ant to those higher rates to sup-  
16 port the financing, development,  
17 or acquisition of—

18                   “(AA) zero-carbon elec-  
19 tricity generation assets that  
20 are capable of generating  
21 electricity throughout the  
22 year, with the exception of  
23 planned outages for mainte-  
24 nance, refueling, or retrofits,

1 at capacity factors greater  
2 than 70 percent; or

3 “(BB) long-duration  
4 energy storage assets that  
5 are capable of continuously  
6 discharging energy at their  
7 rated power output for at  
8 least 10 hours.

9 “(II) CLAWBACK.—If the Admin-  
10 istrator determines that a recipient of  
11 an award described in subclause (I)  
12 has violated the certification required  
13 under that subclause, the Adminis-  
14 trator shall seek reimbursement of the  
15 full amount of the award from the re-  
16 cipient.

17 “(d) APPLICABILITY TO LEASED FACILITIES.—For  
18 purposes of this section—

19 “(1) if a covered facility is leased to a tenant,  
20 the tenant shall be considered the owner of the facil-  
21 ity; and

22 “(2) if a portion of a covered facility is leased  
23 to a tenant and the leased space also meets the re-  
24 quirements described in subsection (a)(1)—

1           “(A) the leased space shall be considered  
2           to be a separate covered facility from the rest  
3           of the larger facility; and

4           “(B) the tenant shall be considered the  
5           owner of the covered facility that comprises the  
6           leased space.”.

7 **SEC. 4. SEVERABILITY.**

8           If any provision of this Act, an amendment made by  
9 this Act, or the application of such provision or amend-  
10 ment to any person or circumstance is held to be unconsti-  
11 tutional, the remainder of this Act and the amendments  
12 made by this Act, and the application of the provision or  
13 amendment to any other person or circumstance, shall not  
14 be affected by the holding.