## AMENDMENT TO RULES COMMITTEE PRINT 117-31

OFFERED BY M\_.

Page 170, line 11, after "contracts", insert ", alternative financing and expense funding,".

Page 170, after line 11, insert the following:

"(d) Alternative Financing of Research Fa cilities and Infrastructure.—

3 "(1) IN GENERAL.—Consistent with section 4 161(g) of the Atomic Energy Act of 1954 (42) U.S.C. 2201(g)), the Management and Operating 5 6 contractors of the Department may enter into the lease-purchase of research facilities and infrastruc-7 8 ture under the scope of their contract with the De-9 partment with the approval of the Secretary or their 10 designee.

11 "(2) LIMITATIONS.—To carry out lease-pur-12 chases approved by the Secretary under subsection 13 (a), the Department shall only be required to have 14 budget authority in an amount sufficient to cover 15 the minimum required lease payments through the 16 period required to exercise a termination provision in  $\mathbf{2}$ 

the lease agreement, plus any associated lease termi nation penalties, regardless of whether such leased
 facility and infrastructure is on or off Government
 land, and if—

5 "(A) the Department has established a 6 mission need for the facility or infrastructure to 7 be leased;

8 "(B) the facility or infrastructure is gen9 eral purpose, including offices, laboratories,
10 cafeterias, utilities, and data centers;

"(C) the Department is not a party to and
has no financial obligations under the lease-purchase transaction entered into by the Management and Operating contractor, other than allowability of the lease cost and conveyance of
Government land, if needed;

"(D) the lease-purchase has an advance
notice termination provision with reasonable
pre-defined penalties that the Management and
Operating contractor may exercise, at the direction of the Department, if funding for the lease
is no longer available or the mission need ceases
to exist;

24 "(E) there is an option for a no cost trans25 fer of ownership to the Government once the

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1 underlying financing is retired, but neither the 2 Management and Operating contractor nor the 3 Department are obligated to purchase the facil-4 ity or infrastructure at any time during or after 5 the lease term; 6 "(F) the lease-purchase transaction, as-7 suming exercise of the ownership option, is 8 demonstrated to be the lowest lifecycle cost al-9 ternative for the Government; and 10 "(G) the cumulative annual base rent for 11 all lease-purchases of facilities and infrastruc-12 ture, inclusive of any transactions under consid-13 eration, does not exceed 2 percent of the Man-14 agement and Operating contract operating 15 budget for the year the commitment is made for the lease. 16 17 "(3) REPORTING.—Not later than 1 year after 18 the date of the enactment of the America COM-19 PETES Act of 2022, and biennially thereafter, the 20 Department shall submit to the Committee on 21 Science, Space, and Technology and the Committee 22 on Appropriations of the House of Representatives,

and the Committee on Energy and Natural Resources and the Committee on Appropriations of the
Senate, a report on the lease-purchase transactions

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that the Management and Operating contractors of
 the Department entered into under subsection (a)
 that includes—

"(A) a list of the lease-purchase trans-4 5 actions entered into by each Management and 6 Operating contractor and their respective costs; 7 "(B) the annual percentage of each Man-8 agement and Operating contract operating 9 budget that is used for lease-purchase trans-10 actions for the year the commitments were 11 made; and

12 "(C) any other information the Secretary13 determines to be appropriate.

14 "(4) AUTHORIZATION PERIOD.—The lease-pur15 chases authorized under paragraph (1) may be en16 tered into only during fiscal years 2022 through
17 2026.".

Page 170, line 12, strike "(d)" and insert "(e)".

Page 170, line 20, strike "(e)" and insert "(f)".

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