

1 the lease agreement, plus any associated lease termi-
2 nation penalties, regardless of whether such leased
3 facility and infrastructure is on or off Government
4 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 gen-
9 eral purpose, including offices, laboratories,
10 cafeterias, utilities, and data centers;

11 “(C) the Department is not a party to and
12 has no financial obligations under the lease-pur-
13 chase transaction entered into by the Manage-
14 ment and Operating contractor, other than al-
15 lowability of the lease cost and conveyance of
16 Government land, if needed;

17 “(D) the lease-purchase has an advance
18 notice termination provision with reasonable
19 pre-defined penalties that the Management and
20 Operating contractor may exercise, at the direc-
21 tion of the Department, if funding for the lease
22 is no longer available or the mission need ceases
23 to exist;

24 “(E) there is an option for a no cost trans-
25 fer of ownership to the Government once the

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
16 the lease.

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,
23 and the Committee on Energy and Natural Re-
24 sources and the Committee on Appropriations of the
25 Senate, a report on the lease-purchase transactions

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

4 “(A) a list of the lease-purchase trans-
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 Secretary
13 determines to be appropriate.

14 “(4) AUTHORIZATION PERIOD.—The lease-pur-
15 chases authorized under paragraph (1) may be en-
16 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)”.

