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 FACILITIES AND INFRASTRUCTURE.—

“(1) IN GENERAL.—Consistent with section 161(g) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)), the Management and Operating contractors of the Department may enter into the lease-purchase of research facilities and infrastructure under the scope of their contract with the Department with the approval of the Secretary or their designee.

“(2) LIMITATIONS.—To carry out lease-purchases approved by the Secretary under subsection (a), the Department shall only be required to have budget authority in an amount sufficient to cover the minimum required lease payments through the period required to exercise a termination provision in
the lease agreement, plus any associated lease termination penalties, regardless of whether such leased facility and infrastructure is on or off Government land, and if—

“(A) the Department has established a mission need for the facility or infrastructure to be leased;

“(B) the facility or infrastructure is general purpose, including offices, laboratories, 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;

“(E) there is an option for a no cost transfer of ownership to the Government once the
underlying financing is retired, but neither the
Management and Operating contractor nor the
Department are obligated to purchase the facil-
ity or infrastructure at any time during or after
the lease term;

“(F) the lease-purchase transaction, assuming exercise of the ownership option, is
demonstrated to be the lowest lifecycle cost al-
ternative for the Government; and

“(G) the cumulative annual base rent for
all lease-purchases of facilities and infrastruc-
ture, inclusive of any transactions under consid-
eration, does not exceed 2 percent of the Man-
agement and Operating contract operating
budget for the year the commitment is made for
the lease.

“(3) REPORTING.—Not later than 1 year after
the date of the enactment of the America COM-
PETES Act of 2022, and biennially thereafter, the
Department shall submit to the Committee on
Science, Space, and Technology and the Committee
on Appropriations of the House of Representatives,
and the Committee on Energy and Natural Re-
sources and the Committee on Appropriations of the
Senate, a report on the lease-purchase transactions
that the Management and Operating contractors of
the Department entered into under subsection (a)
that includes—

“(A) a list of the lease-purchase trans-
actions entered into by each Management and
Operating contractor and their respective costs;
“(B) the annual percentage of each Man-
agement and Operating contract operating
budget that is used for lease-purchase trans-
actions for the year the commitments were
made; and
“(C) any other information the Secretary
determines to be appropriate.
“(4) AUTHORIZATION PERIOD.—The lease-pur-
chases authorized under paragraph (1) may be en-
tered into only during fiscal years 2022 through
2026.”.

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

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

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