

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 211

To authorize the Administrator of General Services to establish an enhanced use lease pilot program, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving Money and Ac-
5 celerating Repairs Through Leasing Act” or the “SMART
6 Leasing Act”.

7 **SEC. 2. ENHANCED USE LEASE PILOT PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of General Serv-
11 ices.

1 (2) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the enhanced use lease pilot program
3 established under subsection (b).

4 (3) RELEVANT CONGRESSIONAL COMMIT-
5 TEES.—The term “relevant congressional commit-
6 tees” means—

7 (A) the Committee on Homeland Security
8 and Governmental Affairs of the Senate;

9 (B) the Committee on Environment and
10 Public Works of the Senate;

11 (C) the Committee on Oversight and Ac-
12 countability of the House of Representatives;
13 and

14 (D) the Committee on Transportation and
15 Infrastructure of the House of Representatives.

16 (b) ESTABLISHMENT.—The Administrator may es-
17 tablish an enhanced use lease pilot program under which
18 the Administrator may authorize Federal agencies to enter
19 into a lease with any person or entity (including another
20 department or agency of the Federal Government or an
21 entity of a State or local government) with regard to any
22 underutilized nonexcess real property and related personal
23 property under the jurisdiction of the Administrator.

24 (c) MONETARY CONSIDERATION.—

1 (1) FAIR MARKET VALUE.—A person or entity
2 entering into a lease under the pilot program shall
3 provide monetary consideration for the lease at fair
4 market value, as determined by the Administrator.

5 (2) UTILIZATION.—

6 (A) IN GENERAL.—The Administrator may
7 use monetary consideration received under this
8 subsection for a lease entered into under the
9 pilot program to cover the full costs to the Ad-
10 ministrator in connection with the lease.

11 (B) CAPITAL REVITALIZATION AND IM-
12 PROVEMENTS; DEFICIT REDUCTION.—

13 (i) CAPITAL REVITALIZATION AND IM-
14 PROVEMENTS.—50 percent of the amounts
15 of monetary consideration received under
16 this subsection that are not used in accord-
17 ance with subparagraph (A) shall—

18 (I) be deposited in a working
19 capital account to be established by
20 the Federal agency engaged in the
21 lease of the property; and

22 (II) remain available until ex-
23 pended for maintenance, capital revi-
24 talization, and improvements of the
25 real property assets and related per-

1 sonal property at the Federal agency,
2 subject to the concurrence of the Ad-
3 ministrator.

4 (ii) DEFICIT REDUCTION.—50 percent
5 of the amounts of monetary consideration
6 received under this subsection that are not
7 used in accordance with subparagraph (A)
8 shall be deposited in the general fund of
9 the Treasury for the sole purpose of deficit
10 reduction.

11 (d) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
12 ministrator may require such terms and conditions in con-
13 nection with a lease under the pilot program as the Ad-
14 ministrator considers appropriate to protect the interests
15 of the United States.

16 (e) RELATIONSHIP TO OTHER LEASE AUTHORITY.—
17 The authority under the pilot program to lease property
18 under the jurisdiction of the Administrator is in addition
19 to any other authority under Federal law to lease property
20 under the jurisdiction of the Administrator.

21 (f) WAIVER.—A property leased under the pilot pro-
22 gram shall not be subject to section 501 of the McKinney-
23 Vento Homeless Assistance Act (42 U.S.C. 11411) before
24 leasing the property under such pilot program.

25 (g) LEASE RESTRICTIONS.—

1 (1) NO LEASEBACK OR GUARANTEED SERVICE
2 CONTRACT.—The Administrator may not lease back
3 property under the pilot program during the term of
4 the lease or enter into guaranteed service or similar
5 contracts with the lessee relating to the property.

6 (2) CERTIFICATION.—The Administrator may
7 not enter into a lease under the pilot program unless
8 the Administrator certifies that the lease will not
9 have a negative impact on the mission of the Admin-
10 istrator or the applicable Federal agency.

11 (3) MAXIMUM NUMBER OF LEASES.—The Ad-
12 ministrator may enter into not more than 6 leases
13 under the pilot program during each fiscal year.

14 (4) DURATION OF LEASES.—The Administrator
15 may not enter into a lease under the pilot program
16 with a term of more than 15 years.

17 (h) REPORTING.—

18 (1) ANNUAL REPORTS.—Not later than Janu-
19 ary 31 of each year until the year after the year in
20 which authority to enter into leases under the pilot
21 program expires under subsection (i)(1), the Admin-
22 istrator shall submit to the relevant congressional
23 committees a report on the pilot program, includ-
24 ing—

1 (A) a description of each lease entered into
2 under the pilot program, including the value of
3 the lease, the amount of consideration received,
4 and the use of the consideration received; and

5 (B) the availability and use of the funds
6 received under the pilot program for the Ad-
7 ministrator or the Federal agency engaged in
8 the lease of nonexcess real property and related
9 personal property.

10 (2) FINAL REPORT.—Not later than 2 years
11 after the date of enactment of this Act, the Adminis-
12 trator shall submit to the relevant congressional
13 committees a final report on the pilot program, in-
14 cluding a recommendation on whether the pilot pro-
15 gram should be extended.

16 (i) DURATION.—

17 (1) IN GENERAL.—The authority to enter into
18 leases under the pilot program shall expire on the
19 date that is 2 years after the date of enactment of
20 this Act.

21 (2) SAVINGS PROVISION.—The expiration under
22 this subsection of authority to enter into leases
23 under the pilot program shall not affect the validity
24 or term of leases or the retention of proceeds by the

- 1 Federal agency from leases entered into under the
- 2 pilot program before the expiration of the authority.