

118TH CONGRESS
1ST SESSION

S. 211

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. PETERS (for himself, Mr. LANKFORD, Mr. HAWLEY, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To authorize the Administrator of General Services to establish an enhanced use lease pilot program, 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 “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:

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

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

7 (3) RELEVANT CONGRESSIONAL COMMIT-
8 TEES.—The term “relevant congressional commit-
9 tees” means—

10 (A) the Committee on Homeland Security
11 and Governmental Affairs of the Senate;

12 (B) the Committee on Environment and
13 Public Works of the Senate;

14 (C) the Committee on Oversight and Ac-
15 countability of the House of Representatives;
16 and

17 (D) the Committee on Transportation and
18 Infrastructure of the House of Representatives.

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

1 underutilized nonexcess real property and related personal
2 property under the jurisdiction of the Administrator.

3 (c) MONETARY CONSIDERATION.—

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

8 (2) UTILIZATION.—

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

14 (B) CAPITAL REVITALIZATION AND IM-
15 PROVEMENTS.—Any amounts of monetary con-
16 sideration received under this subsection that
17 are not used in accordance with subparagraph
18 (A) shall—

19 (i) be deposited in a working capital
20 account to be established by the Federal
21 agency engaged in the lease of the prop-
22 erty; and

23 (ii) remain available until expended
24 for maintenance, capital revitalization, and
25 improvements of the real property assets

1 and related personal property at the Fed-
2 eral agency, subject to the concurrence of
3 the Administrator.

4 (d) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
5 ministrator may require such terms and conditions in con-
6 nection with a lease under the pilot program as the Ad-
7 ministrator considers appropriate to protect the interests
8 of the United States.

9 (e) RELATIONSHIP TO OTHER LEASE AUTHORITY.—
10 The authority under the pilot program to lease property
11 under the jurisdiction of the Administrator is in addition
12 to any other authority under Federal law to lease property
13 under the jurisdiction of the Administrator.

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

18 (g) LEASE RESTRICTIONS.—

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

24 (2) CERTIFICATION.—The Administrator may
25 not enter into a lease under the pilot program unless

1 the Administrator certifies that the lease will not
2 have a negative impact on the mission of the Admin-
3 istrator or the applicable Federal agency.

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

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

10 (h) REPORTING.—

11 (1) ANNUAL REPORTS.—Not later than Janu-
12 ary 31 of each year until the year after the year in
13 which authority to enter into leases under the pilot
14 program expires under subsection (i)(1), the Admin-
15 istrator shall submit to the relevant congressional
16 committees a report on the pilot program, includ-
17 ing—

18 (A) a description of each lease entered into
19 under the pilot program, including the value of
20 the lease, the amount of consideration received,
21 and the use of the consideration received; and

22 (B) the availability and use of the funds
23 received under the pilot program for the Ad-
24 istrator or the Federal agency engaged in

1 the lease of nonexcess real property and related
2 personal property.

3 (2) FINAL REPORT.—Not later than 2 years
4 after the date of enactment of this Act, the Adminis-
5 trator shall submit to the relevant congressional
6 committees a final report on the pilot program, in-
7 cluding a recommendation on whether the pilot pro-
8 gram should be extended.

9 (i) DURATION.—

10 (1) IN GENERAL.—The authority to enter into
11 leases under the pilot program shall expire on the
12 date that is 2 years after the date of enactment of
13 this Act.

14 (2) SAVINGS PROVISION.—The expiration under
15 this subsection of authority to enter into leases
16 under the pilot program shall not affect the validity
17 or term of leases or the retention of proceeds by the
18 Federal agency from leases entered into under the
19 pilot program before the expiration of the authority.

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