

117TH CONGRESS
1ST SESSION

S. 2793

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

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2021

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 Re-
15 form of the House of Representatives; and

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

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

1 (c) MONETARY CONSIDERATION.—

2 (1) FAIR MARKET VALUE.—

3 (A) IN GENERAL.—Except as provided in
4 subparagraph (B), a person or entity entering
5 into a lease under the pilot program shall pro-
6 vide monetary consideration for the lease at fair
7 market value, as determined by the Adminis-
8 trator.

9 (B) IN-KIND CONSIDERATION.—The Ad-
10 ministrator may accept in-kind consideration
11 for leases entered into under the pilot program
12 for the purpose of developing renewable energy
13 production facilities.

14 (2) UTILIZATION.—

15 (A) IN GENERAL.—The Administrator may
16 use monetary consideration received under this
17 subsection for a lease entered into under the
18 pilot program to cover the full costs to the Ad-
19 ministration in connection with the lease.

20 (B) CAPITAL REVITALIZATION AND IM-
21 PROVEMENTS.—Any amounts of monetary con-
22 sideration received under this subsection that
23 are not used in accordance with subparagraph
24 (A) shall—

1 (i) be deposited in a working capital
2 account to be established by the Federal
3 agency engaged in the lease of the prop-
4 erty; and

5 (ii) remain available until expended
6 for maintenance, capital revitalization, and
7 improvements of the real property assets
8 and related personal property at the Fed-
9 eral agency, subject to the concurrence of
10 the Administrator.

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.—

3 (A) IN GENERAL.—Subject to subpara-
4 graph (B), the Administrator may not lease
5 back property under the pilot program during
6 the term of the lease or enter into guaranteed
7 service or similar contracts with the lessee re-
8 lating to the property.

9 (B) IN-KIND CONSIDERATION LEASES.—
10 Subparagraph (A) shall not apply to property
11 under a lease under the pilot program in which
12 the Administrator received in-kind consideration
13 under subsection (c)(1)(B).

14 (2) CERTIFICATION.—The Administrator may
15 not enter into a lease under the pilot program unless
16 the Administrator certifies that the lease will not
17 have a negative impact on the mission of the Admin-
18 istrator or the applicable Federal agency.

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

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

25 (h) REPORTING.—

1 (1) ANNUAL REPORTS.—Not later than Janu-
2 ary 31 of each year, the Administrator shall submit
3 to the relevant congressional committees a report on
4 the pilot program, including—

5 (A) a description of each lease entered into
6 under the pilot program, including the value of
7 the lease, the amount of consideration received,
8 and the use of the consideration received; and

9 (B) the availability and use of the funds
10 received under the pilot program for the Ad-
11 ministrator or the Federal agency engaged in
12 the lease of nonexcess real property and related
13 personal property.

14 (2) FINAL REPORT.—Not later than September
15 30, 2024, the Administrator shall submit to the rel-
16 evant congressional committees a final report on the
17 pilot program, including a recommendation on
18 whether the pilot program should be extended.

19 (i) DURATION.—

20 (1) IN GENERAL.—The authority to enter into
21 leases under the pilot program shall expire on Sep-
22 tember 30, 2024.

23 (2) SAVINGS PROVISION.—The expiration under
24 this subsection of authority to enter into leases
25 under the pilot program shall not affect the validity

1 or term of leases or the retention of proceeds by the
2 Federal agency from leases entered into under the
3 pilot program before the expiration of the authority.

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