

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2793

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 Mr. PETERS

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 Re-
12 form of the House of Representatives; and

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

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

23 (c) MONETARY CONSIDERATION.—

24 (1) FAIR MARKET VALUE.—A person or entity
25 entering into a lease under the pilot program shall

1 provide monetary consideration for the lease at fair
2 market value, as determined by the Administrator.

3 (2) UTILIZATION.—

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

9 (B) CAPITAL REVITALIZATION AND IM-
10 PROVEMENTS.—Any amounts of monetary con-
11 sideration received under this subsection that
12 are not used in accordance with subparagraph
13 (A) shall—

14 (i) be deposited in a working capital
15 account to be established by the Federal
16 agency engaged in the lease of the prop-
17 erty; and

18 (ii) remain available until expended
19 for maintenance, capital revitalization, and
20 improvements of the real property assets
21 and related personal property at the Fed-
22 eral agency, subject to the concurrence of
23 the Administrator.

24 (d) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
25 ministrator may require such terms and conditions in con-

1 nection with a lease under the pilot program as the Ad-
2 ministrator considers appropriate to protect the interests
3 of the United States.

4 (e) RELATIONSHIP TO OTHER LEASE AUTHORITY.—

5 The authority under the pilot program to lease property
6 under the jurisdiction of the Administrator is in addition
7 to any other authority under Federal law to lease property
8 under the jurisdiction of the Administrator.

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

13 (g) LEASE RESTRICTIONS.—

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

19 (2) CERTIFICATION.—The Administrator may
20 not enter into a lease under the pilot program unless
21 the Administrator certifies that the lease will not
22 have a negative impact on the mission of the Admin-
23 istrator or the applicable Federal agency.

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

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

7 (h) REPORTING.—

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

12 (A) a description of each lease entered into
13 under the pilot program, including the value of
14 the lease, the amount of consideration received,
15 and the use of the consideration received; and

16 (B) the availability and use of the funds
17 received under the pilot program for the Ad-
18 ministrator or the Federal agency engaged in
19 the lease of nonexcess real property and related
20 personal property.

21 (2) FINAL REPORT.—Not later than September
22 30, 2024, the Administrator shall submit to the rel-
23 evant congressional committees a final report on the
24 pilot program, including a recommendation on
25 whether the pilot program should be extended.

1 (i) DURATION.—

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

5 (2) SAVINGS PROVISION.—The expiration under
6 this subsection of authority to enter into leases
7 under the pilot program shall not affect the validity
8 or term of leases or the retention of proceeds by the
9 Federal agency from leases entered into under the
10 pilot program before the expiration of the authority.