

117TH CONGRESS
2D SESSION

S. 2793

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

6 (a) DEFINITIONS.—In this section:

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

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

13 (3) RELEVANT CONGRESSIONAL COMMIT-
14 TEES.—The term “relevant congressional commit-
15 tees” means—

16 (A) the Committee on Homeland Security
17 and Governmental Affairs of the Senate;

18 (B) the Committee on Environment and
19 Public Works of the Senate;

20 (C) the Committee on Oversight and Re-
21 form of the House of Representatives; and

22 (D) the Committee on Transportation and
23 Infrastructure of the House of Representatives.

24 (b) ESTABLISHMENT.—The Administrator may es-
25 tablish an enhanced use lease pilot program under which
26 the Administrator may authorize Federal agencies to enter

1 into a lease with any person or entity (including another
2 department or agency of the Federal Government or an
3 entity of a State or local government) with regard to any
4 underutilized nonexcess real property and related personal
5 property under the jurisdiction of the Administrator.

6 (c) MONETARY CONSIDERATION.—

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

11 (2) UTILIZATION.—

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

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

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

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

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

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

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

21 (g) LEASE RESTRICTIONS.—

22 (1) NO LEASEBACK OR GUARANTEED SERVICE
23 CONTRACT.—The Administrator may not lease back
24 property under the pilot program during the term of

1 the lease or enter into guaranteed service or similar
2 contracts with the lessee relating to the property.

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

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

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

14 (h) REPORTING.—

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

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

23 (B) the availability and use of the funds
24 received under the pilot program for the Ad-
25 ministrator 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 September
4 30, 2024, the Administrator shall submit to the rel-
5 evant congressional committees a final report on the
6 pilot program, including a recommendation on
7 whether the pilot program should be extended.

8 (i) DURATION.—

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

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

Passed the Senate December 15, 2022.

Attest:

Secretary.

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