

118TH CONGRESS
2D SESSION

S. 211

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 Ac-
21 countability of the House of Representatives;
22 and

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

25 (b) ESTABLISHMENT.—The Administrator may es-
26 tablish an enhanced use lease pilot program under which

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

7 (c) MONETARY CONSIDERATION.—

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

12 (2) UTILIZATION.—

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

18 (B) CAPITAL REVITALIZATION AND IM-
19 PROVEMENTS; DEFICIT REDUCTION.—

20 (i) CAPITAL REVITALIZATION AND IM-
21 PROVEMENTS.—50 percent of the amounts
22 of monetary consideration received under
23 this subsection that are not used in accord-
24 ance with subparagraph (A) shall—

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

5 (II) remain available until ex-
6 pended for maintenance, capital revi-
7 talization, and improvements of the
8 real property assets and related per-
9 sonal property at the Federal agency,
10 subject to the concurrence of the Ad-
11 ministrator.

12 (ii) DEFICIT REDUCTION.—50 percent
13 of the amounts of monetary consideration
14 received under this subsection that are not
15 used in accordance with subparagraph (A)
16 shall be deposited in the general fund of
17 the Treasury for the sole purpose of deficit
18 reduction.

19 (d) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
20 ministrator may require such terms and conditions in con-
21 nection with a lease under the pilot program as the Ad-
22 ministrator considers appropriate to protect the interests
23 of the United States.

24 (e) RELATIONSHIP TO OTHER LEASE AUTHORITY.—
25 The authority under the pilot program to lease property

1 under the jurisdiction of the Administrator is in addition
2 to any other authority under Federal law to lease property
3 under the jurisdiction of the Administrator.

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

8 (g) LEASE RESTRICTIONS.—

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

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.

1 (5) PROHIBITION.—The Administrator may not
2 enter into a lease under the pilot program with any
3 individual or entity that—

4 (A) intends to carry out, under the lease—

5 (i) activities that are illegal—

6 (I) to conduct in Federal facili-
7 ties; or

8 (II) under Federal law; or

9 (ii) activities for which Federal fund-
10 ing is prohibited;

11 (B) is a political organization described in
12 section 527 of the Internal Revenue Code of
13 1986;

14 (C) is owned, operated, or controlled by a
15 foreign government; or

16 (D) received any Federal grant, contract,
17 or award from the applicable Federal agency
18 engaged in the lease that is still in the perform-
19 ance period.

20 (6) LIMITATION ON USE OF LEASES.—No lease
21 entered into under the pilot program may be used to
22 carry out lobbying activities (as defined in section 3
23 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
24 1602)).

25 (h) REPORTING.—

1 (1) ANNUAL REPORTS.—Not later than Janu-
2 ary 31 of each year until the year after the year in
3 which authority to enter into leases under the pilot
4 program expires under subsection (i)(1), the Admin-
5 istrator shall submit to the relevant congressional
6 committees a report on the pilot program, includ-
7 ing—

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

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

17 (2) FINAL REPORT.—Not later than 2 years
18 after the date of enactment of this Act, the Adminis-
19 trator shall submit to the relevant congressional
20 committees a final report on the pilot program, in-
21 cluding a recommendation on whether the pilot pro-
22 gram should be extended.

23 (i) DURATION.—

24 (1) IN GENERAL.—The authority to enter into
25 leases under the pilot program shall expire on the

1 date that is 2 years after the date of enactment of
2 this Act.

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

Passed the Senate August 1, 2024.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION

S. 211

AN ACT

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