

117TH CONGRESS
1ST SESSION

H. R. 3418

To permit leasing of available Federal real property to expand in-person education during COVID–19 public health emergency.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Ms. MACE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To permit leasing of available Federal real property to expand in-person education during COVID–19 public health emergency.

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 “Leasing Every Avail-
5 able Real property Now Act of 2021” or the “LEARN
6 Act of 2021”.

1 **SEC. 2. USE OF REAL PROPERTY FOR IN-PERSON EDU-**
2 **CATION DURING PUBLIC HEALTH EMER-**
3 **GENCY.**

4 Notwithstanding any other provision of law, the Ad-
5 ministrator of the General Services Administration or the
6 head of an Executive agency may lease or sublease avail-
7 able Federal civilian real property under the control of
8 such agency or the Administration to nearby local edu-
9 cational agencies for the purpose of expanding in-person
10 education for students of elementary schools and sec-
11 ondary schools for a temporary period on an emergency
12 basis during the public health emergency declared by the
13 Secretary of Health and Human Services under section
14 319 of the Public Health Service Act (42 U.S.C. 247d)
15 relating to COVID–19.

16 **SEC. 3. NATURE, DURATION, AND TERMINATION OF LEASES**
17 **DURING PUBLIC HEALTH EMERGENCY.**

18 (a) DURATION AND TERMINATION.— Any lease or
19 sublease entered into under this Act shall be for a period
20 not to exceed 6 months and shall terminate not later than
21 14 days after the expiration of the public health emer-
22 gency declared by the Secretary of Health and Human
23 Services under section 319 of the Public Health Service
24 Act (42 U.S.C. 247d) relating to COVID–19.

25 (b) COST.—A lease or sublease entered into under
26 this Act may be made at less than fair market value, but

1 in no event shall be made at less than the cost to the Exec-
2 utive agency or the Administration of maintaining the
3 property, or portion of the property, that is the subject
4 of the lease or sublease.

5 (c) REIMBURSEMENT OF UTILITIES.—Any local edu-
6 cational agency leasing or subleasing a property from an
7 Executive agency or the Administration under this Act
8 shall reimburse the Executive agency or the Administra-
9 tion for all utilities and other services provided for the
10 property that is the subject of the lease or sublease at
11 the actual cost of such utilities and services. In the case
12 of a utility or service for which the cost attributable to
13 such property is not separable, or the actual cost not cal-
14 culable, the local educational agency shall reimburse the
15 fair market value of the utility or service attributable to
16 such property.

17 (d) INCIDENTAL PERSONAL PROPERTY USE PER-
18 MITTED.—Notwithstanding any other provision of law, a
19 Federal agency entering into a lease or sublease with a
20 local educational agency under this Act may permit the
21 local educational agency to use Federal personal property
22 located on site, including furniture.

1 **SEC. 4. SELECTION AND NOTIFICATION OF SUITABLE AND**
2 **AVAILABLE REAL PROPERTIES DURING PUB-**
3 **LIC HEALTH EMERGENCY.**

4 (a) REVIEW PROCESS.—The head of each Executive
5 agency and the Administrator shall review all properties
6 under the control of the agency or the Administration, as
7 applicable, and affirmatively identify all properties that—

8 (1) would be suitable for use by local edu-
9 cational agencies for in-person education of students
10 of elementary schools and secondary schools; and

11 (2) are not anticipated to be needed for use by
12 the Executive agency or the Administration during
13 the following 9-month period.

14 (b) NOTIFICATION.—Each Executive agency and the
15 Administration shall—

16 (1) make available for leasing or subleasing by
17 nearby local educational agencies any properties
18 identified as available and suitable for use under
19 subsection (a); and

20 (2) publish in the Federal Register notice of the
21 availability of such properties.

22 (c) PRIORITY FOR PROPERTY IN DISTRICT OF CO-
23 LUMBIA.—An Executive agency and the Administration
24 shall give priority to the public schools of the District of
25 Columbia in leases and subleases made available under

1 this Act for real property located in the District of Colum-
2 bia.

3 **SEC. 5. USE OF SOAR ACT FUNDS FOR PUBLIC SCHOOLS OF**
4 **DISTRICT OF COLUMBIA.**

5 (a) FLEXIBILITY OF FUNDS RECEIVED THROUGH
6 THE SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS
7 ACT.—

8 (1) IN GENERAL.—Notwithstanding the re-
9 quirements of the Scholarships for Opportunity and
10 Results Act of 2011 (hereinafter referred to as the
11 “SOAR Act”), any public school of the District of
12 Columbia may utilize funds received through SOAR
13 Act grants for the purpose of leasing or subleasing
14 available Federal real property to expand in-person
15 education at such school during the public health
16 emergency described in section 2.

17 (2) DIVERSION OF FUNDS.—Recipients of
18 SOAR Act grants that were originally intended for
19 use on particular projects to improve and expand the
20 quality of public schools in the District of Columbia
21 may divert or reprogram funds provided under such
22 grants to cover the cost of leasing or subleasing
23 available Federal real property to expand in-person
24 education at public schools of the District of Colum-

1 bia during the public health emergency described in
2 section 2.

3 (b) SUNSET.—This section shall cease to have an ef-
4 fect on the date that is 90 days after the date on which
5 the public health emergency declared under section 319
6 of the Public Health Service Act (42 U.S.C. 247d) with
7 respect to COVID–19 terminates.

8 **SEC. 6. ALLOWING USE OF STATE AND LOCAL RELIEF**
9 **FUNDS FOR IN-PERSON EDUCATION.**

10 (a) CORONAVIRUS STATE FISCAL RECOVERY
11 FUND.—Section 602(c)(1) of the Social Security Act (42
12 U.S.C. 802(c)(1)) is amended—

13 (1) in subparagraph (C) by striking “or” at the
14 end;

15 (2) in subparagraph (D) by striking the period
16 and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(E) for reimbursements for costs ex-
19 pended by public, private, and charter elemen-
20 tary schools and secondary schools (as such
21 terms are defined in the LEARN Act of 2021)
22 associated with returning to an in-person edu-
23 cation (as such term is defined in such Act), in-
24 cluding leasing or subleasing Federal civilian
25 real property under such Act.”.

1 (b) CORONAVIRUS LOCAL FISCAL RECOVERY
2 FUND.—Section 603(c)(1) of the Social Security Act (42
3 U.S.C. 803(c)(1)) is amended—

4 (1) in subparagraph (C) by striking “or” at the
5 end;

6 (2) in subparagraph (D) by striking the period
7 and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(E) for reimbursements for costs ex-
10 pended by public, private, and charter elemen-
11 tary schools and secondary schools (as such
12 terms are defined in the LEARN Act of 2021)
13 associated with returning to an in-person edu-
14 cation (as such term is defined in such Act), in-
15 cluding leasing or subleasing Federal civilian
16 real property under such Act.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to payments made after the date
19 of the enactment of the American Rescue Plan Act of
20 2021 (Public Law 117–2).

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATION.—The term “Administra-
24 tion” means the General Services Administration.

1 (2) ESEA TERMS.—The terms “elementary
2 school”, “local educational agency”, and “secondary
3 school” have the meanings given those terms in sec-
4 tion 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801).

6 (3) EXECUTIVE AGENCY.—The term “Executive
7 agency” has the meaning given the term in section
8 105 of title 5, United States Code.

9 (4) IN-PERSON EDUCATION.—The term “in-per-
10 son education” means education in which both stu-
11 dents and educators are physically present for the
12 majority of the schooling hours and actively pro-
13 viding educational services.

14 (5) PUBLIC SCHOOLS OF THE DISTRICT OF CO-
15 LUMBIA.—The term “public schools of the District
16 of Columbia” means District of Columbia public
17 schools and District of Columbia public charter
18 schools.

19 **SEC. 8. RULE OF CONSTRUCTION.**

20 Nothing in this Act or the amendments made by this
21 Act may be construed as preventing a property from being
22 considered for sale or disposal pursuant to the Federal As-
23 sets Sale and Transfer Act of 2016 (Public Law 114–
24 287).

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