

116TH CONGRESS
1ST SESSION

H. R. 4485

To establish a public buildings public-private partnership pilot program, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2019

Mr. PENCE (for himself and Mr. MEADOWS) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a public buildings public-private partnership
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 “Public-Private Part-
5 nerships for Prosperity (P4) Act”.

6 **SEC. 2. PUBLIC BUILDINGS PUBLIC-PRIVATE PARTNERSHIP**
7 **PILOT PROGRAM.**

8 (a) IN GENERAL.—Chapter 33 of title 40, United
9 States Code is amended by adding at the end the fol-
10 lowing:

1 **“§ 3318. Public buildings public-private partnership**
2 **pilot program**

3 “(a) ESTABLISHMENT.—The Administrator shall
4 carry out a pilot program to enter into public-private part-
5 nerships to acquire public buildings pursuant to the re-
6 quirements of this section.

7 “(b) IDENTIFICATION OF PROJECTS.—Not later than
8 1 year after the date of enactment of this section, the Ad-
9 ministrator shall identify not less than 5 and not more
10 than 10 projects for acquiring space for the purposes of
11 public buildings using public-private partnerships.

12 “(c) SUBMISSION OF PLAN AND PROSPECTUSES.—
13 Not later than 2 years after the date of enactment of this
14 section, the Administrator shall submit to the Committee
15 on Transportation and Infrastructure of the House of
16 Representatives and the Committee on Environment and
17 Public Works of the Senate—

18 “(1) prospectuses, in accordance with section
19 3307 of title 40, United States Code, for each
20 project identified under subsection (b); and

21 “(2) an execution and management plan detail-
22 ing how each project will be managed, project team,
23 timelines for each project, and, notwithstanding sub-
24 section (d), recommendations on commencement
25 dates based on ensuring proper staffing, resources,
26 and management.

1 “(d) COMMENCEMENT.—Subject to the availability of
2 appropriations, a project submitted under subsection (c)
3 that is authorized pursuant to section 3307 shall com-
4 mence not later than 1 year after the date on which such
5 authorization occurs, unless otherwise indicated in the re-
6 spective committee resolution authorizing the project.

7 “(e) EXPERTS AND CONSULTANTS.—

8 “(1) GSA PERSONNEL.—In carrying out the
9 pilot program the Administrator shall identify and
10 use General Services Administration personnel with
11 knowledge and experience in complex real estate
12 transactions.

13 “(2) CONTRACTED SERVICES.—The Adminis-
14 trator shall, to the extent practicable and subject to
15 appropriations Acts, use contracts, including non-
16 appropriated contracts, for services necessary to
17 carry out this section.

18 “(f) COMPLIANCE WITH BUDGETARY RULES.—For
19 budgetary scorekeeping purposes, a project carried out
20 under this section shall be treated in a manner consistent
21 with the requirements for scoring a leaseback from a pub-
22 lic-private partnership under Appendix B of Circular A-
23 11 of the Office of Management and Budget, as of the
24 date of enactment of this section.

1 “(g) GAO STUDY.—Not later than 1 year after the
2 occupancy of projects authorized under this section, the
3 Comptroller General of the United States shall conduct
4 a review of such projects and submit to the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives and the Committee on Environment and
7 Public Works of the Senate a report that includes—

8 “(1) a review and evaluation of the public-pri-
9 vate partnerships executed under this section and a
10 comparison of such agreements to similar projects
11 completed as Government construction, including a
12 comparison of timetables and costs; and

13 “(2) any recommendations on the use of public-
14 private partnerships as options for meeting Federal
15 Government space needs.

16 “(h) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) ADMINISTRATOR.—The term ‘Adminis-
19 trator’ means the Administrator of General Services.

20 “(2) PUBLIC BUILDING.—The term ‘public
21 building’ has the meaning given the term in section
22 3301.

23 “(3) PERFORMANCE-BASED MANAGEMENT AND
24 OPERATIONS AGREEMENT.—The term ‘performance-

1 based management and operations agreement’
2 means an agreement that—

3 “(A) reflects an obligation by the non-Fed-
4 eral entity to design, build, finance, deliver, op-
5 erate and maintain an asset;

6 “(B) requires the non-Federal entity to
7 provide the General Services Administration a
8 single point of responsibility and obligation;

9 “(C) stipulates all requirements of the
10 General Services Administration and contains
11 the terms and conditions for annual perform-
12 ance-based availability payments in accordance
13 with the non-Federal entity meeting or exceed-
14 ing those requirements;

15 “(D) stipulates the terms and conditions
16 for reductions of any or all availability pay-
17 ments to the non-Federal entity for any given
18 period the asset is unavailable to the Govern-
19 ment or otherwise not delivered, operated, or
20 maintained in accordance with the requirements
21 included in the agreement; and

22 “(E) stipulates the terms and conditions
23 for termination and includes no obligation on
24 the part of the Government to renew any suc-

1 cessive leases that may be included in such
2 project.

3 “(4) PUBLIC-PRIVATE PARTNERSHIP.—The
4 term ‘public-private partnership’ means a real prop-
5 erty agreement for the purposes of providing office
6 space for the Federal Government that meets the
7 following criteria:

8 “(A) The agreement includes a ground-
9 lease to a non-Federal party with a subsequent
10 leaseback of the improvements.

11 “(B) The entity that is the lessor of the
12 leaseback of improvements is entirely non-Fed-
13 eral.

14 “(C) The leaseback meets the criteria for
15 an operating lease under Appendix B of Cir-
16 cular A–11 of the Office of Management and
17 Budget, as of the date of enactment of this sec-
18 tion.

19 “(D) The project shall, to the extent prac-
20 ticable, be operated and maintained by the non-
21 Federal entity subject to a performance-based
22 management and operations agreement entered
23 into between the entity and the Adminis-
24 trator.”.

- 1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of sections at the beginning of chapter 33 of
3 title 40, United States Code, is amended by adding at the
4 end the following:

“3318. Public buildings public-private partnership pilot program.”.

