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FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

NOVEMBER 30, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5112]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5112) to provide for the training of Federal building personnel, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 5112, the "Federal Buildings Personnel Training Act," authorizes the Administrator of General Services, in consultation with others, to establish core competencies relating to buildings operation and maintenance, energy management, sustainability, building performance, and other matters for Federal personnel and contract employees performing buildings operations functions in Federal buildings.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5112 establishes core competencies for Federal employees and contract personnel working in certain building operations and maintenance disciplines to ensure that Federal buildings perform and are maintained in accordance with industry best practices. The American Recovery and Reinvestment Act (P.L. 111–5) (Recovery Act) provided $4.5 billion to the General Services Administration (GSA) to upgrade Federally owned facilities with more energy-efficient and sustainable building components and systems. H.R. 5112 will safeguard that investment, as well as other Federal investment in energy-efficient building infrastructure, to ensure that this infrastructure is well maintained and operating at peak perform-

ance by ensuring that the Federal buildings operations workforce is trained and maintains certain competencies. This will ensure that Federal buildings and components are maximally productive and properly maintained to achieve the highest possible return on investment over the infrastructure's projected operating life.

A recent Government Accountability Office (GAO) report (GAO–10–417) found that "[t]ypically, operations and maintenance costs represent from 60 to 85 percent of the costs of a facility over its lifetime, while design and construction costs represent about 5 to 10 percent of these costs." This finding underscores the importance of optimizing the performance and care of building equipment and components which play a vital role in the energy efficiency of facilities. This legislation, by establishing core competencies for building operations personnel, enhances the likelihood that this optimization occurs. This legislation helps support energy efficiency goals established for Federal buildings in the Energy Policy Act of 2005 (P.L. 109–58) and the Energy Independence and Security Act of 2007 (P.L. 110–140).

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 provides that the Act may be referred to as the "Federal Buildings Personnel Training Act of 2010."

Sec. 2. Training of Federal building personnel

Subsection (a) provides that, within 18 months of the date of enactment of this Act and annually thereafter, the Administrator of the General Services (Administrator) shall identify core competencies for Federal personnel performing certain buildings operations functions. These competencies are to be established only after consultation with appropriate industry associations, professional societies, and apprenticeship training providers, and only after a notice and comment period. This legislation applies not only to GSA facilities personnel, but also to other Federal agencies and other elements of the Federal Government with operational responsibility for a real property portfolio consisting of buildings, including the Department of Defense, the Department of Energy, the Department of Veterans Affairs, the Department of the Interior, and the Architect of the Capitol. The Committee on Transportation and Infrastructure intends that GSA will collaborate and consult with the heads of other Federal agencies and departments and with industry groups prior to promulgating a final rule. Moreover, although the legislation directs GSA to identify core competencies and to promulgate these as a leading practice, H.R. 5712 does not confer upon GSA any enforcement power over other Federal agencies and departments in terms of hiring or firing employees as a consequence of these standards.

Subsection (a) also provides a list of the types of building functions around which the core competencies are to be designed. This list includes: buildings operations and maintenance, energy management, safety, and design functions. The Committee's understanding and intent is that the terms "safety" and "design" modify the term "energy management." That is, "design," as used here, is not meant in the sense of architectural design, for which profes-

sional educational requirements and designations already exist, but rather in the sense of energy systems design and workplace planning in the context of optimizing the performance of energy systems, maximizing the use of daylight for task lighting, maximizing the use of passive energy systems and minimizing load requirements for heating, ventilation, and air conditioning systems. Three additional areas are listed in the bill as requiring the identification of core competencies: sustainability, water efficiency, and building performance measures.

Subsection (b) directs the Administrator, in consultation with Federal agency heads and industry representatives, to identify appropriate coursework and/or training, or certifications, licenses, degrees, or registrations that will demonstrate acquisition of each core competency, for each of the functional areas specified in subsection (a).

Subsection (c) requires that personnel working in the functional areas identified in subsection (a) must demonstrate that they possess each core competency appropriate to their employment. The means by which personnel demonstrate the core competencies is through possession or acquisition of the coursework, training, or designations described in subsection (b). Subsection (c) further provides that the core competencies must be demonstrated within one year after the date the core competency is identified or, for employees hired after the date of identification, one year from the date of hiring. This subsection further stipulates that, if an individual is to be hired for a period not to exceed one year to perform in one of the disciplines covered by the core competencies, the individual must demonstrate each required competency at the start of the employment period.

Subsection (d) requires the Administrator, in consultation with others, to establish continuing education courses for the various competency areas to ensure that employees stay current with new developments in particular fields and industry best practices.

Subsection (e) directs the Administrator, within 18 months of the date of enactment, and in consultation with the heads of other appropriate Federal agencies, to develop and recommend a curriculum related to facility management and the operation of high-performance buildings. The Administrator is also directed, after the initial development of a recommended curriculum, and annually thereafter to refresh that curriculum. The Committee understands that, while the Administrator has authority to "recommend" a curriculum, such a curriculum will not be a mandatory requirement for employment for any Federal employee, but rather a course of study that, upon completion, could make an individual a preferred candidate for a position in facilities management, or a preferred candidate for promotion within the ranks of facilities management personnel.

Subsection (f) applies the training requirements for core competencies identified elsewhere in section 2 to contractor personnel ("non-Federal personnel") who perform buildings operations, maintenance, and other prescribed building functions on Federal buildings. This subsection also provides that the Administrator shall approve the manner in which contractors provide training to, and certify the acquisition of, core competencies by non-Federal personnel.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On April 22, 2010, Representative Russ Carnahan introduced H.R. 5112. On July 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider H.R. 5112. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

Senator Thomas Carper introduced S. 3250 on April 22, 2010, the "Federal Buildings Personnel Training Act of 2010." On May 20, 2010, the Committee on Environment and Public Works of the Senate reported the bill favorably to the Senate without amendment by a voice vote. S. Rept. 111–212. On July 20, 2010, the Senate passed S. 3250.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 5112 or ordering the bill reported. A motion to order H.R. 5112 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to establish core competencies relating to buildings operation and maintenance, safety, sustainability, and other matters, for Federal personnel and contract employees performing buildings operations functions in Federal buildings.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

enclosed cost estimate for H.R. 5112 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5112, the Federal Buildings Personnel Training Act of 2010.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 5112—Federal Buildings Personnel Training Act of 2010

Summary: H.R. 5112 would require the General Services Administration (GSA) to develop and implement a governmentwide program to train and certify personnel performing building operations and maintenance activities in federal buildings.

CBO estimates that implementing H.R. 5112 would increase the administrative costs of GSA and other federal agencies by $22 million over the 2011–2015 period, assuming the availability of appropriated funds. H.R. 5112 also could affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net increase in spending for training programs by those agencies would not be significant. Enacting H.R. 5112 would not affect revenues.

H.R. 5112 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5112 is shown in the following table. The costs of this legislation fall within budget function 800 (general government) and all budget functions that include rental payments for federal facilities.

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	3	4	5	5	5	22
Estimated Outlays	3	4	5	5	5	22

Basis of estimate: For this estimate, CBO assumes that H.R. 5112 will be enacted in 2010 and that spending will follow historical patterns for similar activities.

H.R. 5112 would direct GSA to identify, within 18 months, the core competencies needed by personnel that operate and maintain federal facilities. GSA would then identify training courses, professional certifications, and licenses that would be needed by such personnel.

Information from GSA and private contractors suggests that about 40,000 people are involved in federal building operations, including about 1,500 federal employees. Based on information from GSA, CBO estimates that implementing H.R. 5112 would increase GSA's administrative costs by about $2 million over the 2011–2012 period to develop core competencies in building management and to identify certification programs for federal building managers and related personnel. In addition, we estimate that other federal agencies would incur additional training costs for federal employees or contractors that provide building management services to the federal government. Based on information provided by GSA about similar governmentwide training programs, CBO estimates those costs would reach about $5 million annually by 2013.

Pay-As-You-Go considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 5112 could affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration; therefore, pay-as- you-go procedures apply. However, CBO estimates that any net increase in spending for training programs or contracts to operate federal buildings by those agencies would not be significant. Enacting H.R. 5112 would not affect revenues. The net budgetary changes that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5112, THE FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON JULY 29, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (-) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 5112 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On June 16, 2010, CBO transmitted a cost estimate for S. 3250, the Federal Buildings Personnel Training Act of 2010, as ordered reported by the Senate Committee on Environment and Public Works on May 20, 2010. The pieces of legislation are similar as are the CBO cost estimates.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H.R. 5112 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 5112 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does relate to the terms and conditions of employment for certain categories of personnel in the employ of the Architect of the Capitol (AOC). More specifically, the core competencies and certification requirements will apply to buildings operation and maintenance employees of the AOC. The AOC is a "Federal agency" within the meaning of the term as used in the Act. The AOC fully expects to be engaged as a participant with GSA in the identification of core competencies and in the development of the appropriate training and certification programs that will demonstrate possession of the core competencies. H.R. 5112 does not confer upon GSA any new power of audit, enforcement, or government-wide reporting, and therefore the Committee intends that the Administrator will have the authority to promulgate standards of competency that will apply to certain Federal

buildings operations personnel including those working on legislative branch buildings, but will not have authority to: direct the AOC in terms of hiring or retention of employees; conduct audits of the AOC; or require the AOC to report on compliance with standards.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 5112 makes no changes in existing law.

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