

104TH CONGRESS  
2D SESSION

# H. R. 2941

To improve the quantity and quality of the quarters of land management agency field employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1996

Mr. HEFLEY introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, 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

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## A BILL

To improve the quantity and quality of the quarters of land management agency field employees, 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 “Housing Improvement  
5       Act for Land Management Agencies”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the provision of employee housing for Fed-  
9       eral land management agencies is necessary for the

1 effective management of Federal lands in many loca-  
2 tions;

3 (2) current government housing does not meet  
4 the needs of land management agencies at many lo-  
5 cations, in terms of either quantity or quality, for  
6 field employees whose duties require their residence  
7 on Federal lands;

8 (3) current government housing rental rates are  
9 based on local or regional comparability studies;  
10 however, salaries for most government employees are  
11 set nationally and are far behind comparable salaries  
12 for similar work;

13 (4) current rental levels, which are based on av-  
14 erage rents in the region for comparable housing,  
15 are unrelated to the actual cost of providing the  
16 housing;

17 (5) lack of acceptable quality, affordable hous-  
18 ing both on and off Federal lands is resulting in sig-  
19 nificant recruitment and retention problems at a  
20 number of field units of the land management agen-  
21 cies; and

22 (6) significant opportunities exist to better in-  
23 volve the private sector in resolving the housing defi-  
24 cit for land management agencies.

25 (b) PURPOSES.—The purposes of this Act are—

1           (1) to develop an adequate supply of quality  
2 housing units for field employees of Federal land  
3 management agencies within a reasonable time  
4 frame;

5           (2) to substantially expand the alternatives  
6 available for construction and repair of essential  
7 government housing;

8           (3) to rely on the private sector to finance or  
9 supply housing in carrying out this Act, to the maxi-  
10 mum extent possible, in order to reduce the need for  
11 Federal appropriations;

12           (4) to ensure that housing is affordable to all  
13 field employees of Federal land management agen-  
14 cies;

15           (5) to provide increased opportunities for the  
16 ownership of housing by field employees, together  
17 with the equity and tax benefits associated with  
18 home ownership; and

19           (6) to ensure that adequate funds are available  
20 to provide for long-term maintenance needs of field  
21 employee housing.

22 **SEC. 3. GENERAL AUTHORITY.**

23           To promote the recruitment and retention of qualified  
24 personnel necessary for the effective management of public  
25 lands, and notwithstanding any provision of section 5536

1 of title 5, United States Code, to the contrary, the Sec-  
2 retary of Agriculture and the Secretary of the Interior are  
3 authorized to make available employee housing and essen-  
4 tial amenities, on or off the lands under the administrative  
5 jurisdiction of the Secretary concerned, and to rent or  
6 lease such housing to field employees of the respective De-  
7 partment at a reasonable value.

8 **SEC. 4. JOINT PUBLIC-PRIVATE SECTOR HOUSING PRO-**  
9 **GRAMS.**

10 (a) LEASE TO BUILD PROGRAM.—

11 (1) GENERAL AUTHORITY.—The Secretary con-  
12 cerned may—

13 (A) lease Federal land and interests in  
14 land to qualified persons for the construction of  
15 field employee quarters and essential amenities  
16 for any period not to exceed 50 years; and

17 (B) lease developed and undeveloped non-  
18 Federal land for providing field employee quar-  
19 ters.

20 (2) COMPETITIVE LEASING.—Each lease under  
21 paragraph (1)(A) shall be awarded through the use  
22 of publicly advertised, competitively bid, or competi-  
23 tively negotiated contracting procedures, except that  
24 a lease to an employee housing cooperative may be  
25 awarded noncompetitively if construction on the

1 leased land is then competitively bid or competitively  
2 negotiated.

3 (3) TERMS AND CONDITIONS.—Each lease  
4 under paragraph (1)(A)—

5 (A) may provide that the lessee operate  
6 and maintain the field employee quarters dur-  
7 ing the term of the lease;

8 (B) shall require that the construction and  
9 rehabilitation of field employee quarters be done  
10 in accordance with the requirements of the land  
11 management agency and local applicable build-  
12 ing codes and industry standards;

13 (C) shall contain such additional terms and  
14 conditions as may be appropriate to protect the  
15 Federal interest, including limits on rents the  
16 lessee may charge field employees for the occu-  
17 pancy of quarters, conditions on maintenance  
18 and repairs, and agreements on the provision of  
19 and charges for utilities and other infrastruc-  
20 ture;

21 (D) may provide that, upon termination of  
22 the lease, the contractor shall abandon the  
23 quarters constructed on the property subject to  
24 such lease vest in the United States or restore  
25 the property to its natural state; and

1           (E) may be granted at less than fair mar-  
2           ket value if the Secretary determines that such  
3           lease will improve the quality and quantity of  
4           field quarters available.

5           (4) PROCEEDS.—Any proceeds from any lease  
6           under paragraph (1)(A) may, notwithstanding any  
7           other provision of law, be retained by the land man-  
8           agement agency entering into such lease and shall be  
9           used for payment of any costs related to the housing  
10          program, including administration, maintenance, re-  
11          pair, rehabilitation, and construction activities in-  
12          curred by the agency with respect to such lease,  
13          property subject to such lease, or any other em-  
14          ployee housing project owned by, or under the juris-  
15          diction or control of, such agency. Any surplus pro-  
16          ceeds from such leases shall be retained by the agen-  
17          cy for these purposes until expended.

18          (5) CONTRIBUTIONS BY UNITED STATES.—The  
19          Secretary may make payments or contributions in  
20          kind to reduce the costs of planning, construction, or  
21          rehabilitation of quarters under a lease under this  
22          subsection. The obligation of the United States to  
23          make payments under a lease under this subsection  
24          in any fiscal year is subject to the availability of ap-  
25          propriations for that purpose.

1           (6) THIRD PARTY PARTICIPATION.—A lease  
2 under this subsection may include provision for par-  
3 ticipation by a third party, when third party pres-  
4 ence is needed or required, and approved by the Sec-  
5 retary concerned.

6           (b) RENTAL GUARANTEE PROGRAM.—

7           (1) GENERAL AUTHORITY.—The Secretary con-  
8 cerned may enter into a lease to build arrangement  
9 as set forth in subsection (a) with further agreement  
10 to guarantee, subject to the availability of appropria-  
11 tions, the occupancy of field employee quarters units  
12 constructed or rehabilitated under such lease. A  
13 guarantee made under this subsection shall be in  
14 writing.

15           (2) LIMITATIONS.—The Secretary concerned  
16 may not guarantee—

17                   (A) the occupancy of more than 97 percent  
18 of the units constructed or rehabilitated under  
19 such lease; and

20                   (B) a rental rate that exceeds the rates es-  
21 tablished under section 10(b).

22           (3) RENTAL TO GOVERNMENT EMPLOYEES.—A  
23 guarantee may be made under this subsection only  
24 if the lessee agrees to permit the Secretary con-

1       cerned to utilize for housing purposes any units for  
2       which the guarantee is made.

3               (4) FAILURE TO MAINTAIN A SATISFACTORY  
4       LEVEL OF OPERATION AND MAINTENANCE.—A guar-  
5       antee shall be null and void if the lessee fails to  
6       maintain a satisfactory level of operation and main-  
7       tenance.

8       (c) JOINT DEVELOPMENT AUTHORITY.—

9               (1) IN GENERAL.—The Secretary concerned  
10       may use authorities granted by statute in combina-  
11       tion with one another in the furtherance of providing  
12       affordable field employee housing.

13              (2) CONDITION.—The Secretary concerned may  
14       condition private development upon provision and  
15       management of field employee housing for the Fed-  
16       eral Government in the affected location.

17       (d) CONTRACTS FOR THE MANAGEMENT OF FIELD  
18       EMPLOYEE QUARTERS.—

19              (1) GENERAL AUTHORITY.—The Secretary con-  
20       cerned may, subject to available appropriations,  
21       enter into contracts for the management, repair, and  
22       maintenance of field employee quarters.

23              (2) TERMS AND CONDITIONS.—Any such con-  
24       tract shall contain such terms and conditions as  
25       such Secretary concerned deems necessary or appro-

1        appropriate to protect the interests of the United States  
2        and assure that safe, affordable quarters are avail-  
3        able to that agency's field employees.

4            (3) RENTS.—Notwithstanding any other provi-  
5        sion of law, any such contract may provide for the  
6        setting of rents at rates to be determined by the  
7        Secretary concerned in accordance with this Act and  
8        for their collection.

9        **SEC. 5. JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.**

10        (a) SALE OF QUARTERS.—

11            (1) GENERAL AUTHORITY.—The Secretary con-  
12        cerned may sell field employee quarters to field em-  
13        ployees of the agency or a cooperative whose mem-  
14        bership is made up exclusively of field employees of  
15        the agency.

16            (2) INTEREST IN LANDS.—The sale of quarters  
17        under paragraph (1) shall be limited to a leasehold  
18        interest in lands.

19        (b) LEASE OF QUARTERS.—The Secretary concerned  
20        may lease Federal land to field employees of the agency  
21        or a cooperative made up of field employees of the agency  
22        for purposes of constructing employee housing and essen-  
23        tial amenities.

1 (c) RIGHT OF FIRST REFUSAL.—The Secretary con-  
2 cerned shall have right of first refusal when any property  
3 transferred under this section is for sale.

4 (d) COVENANTS.—The Secretary concerned may es-  
5 tablish such covenants as may be appropriate to the prop-  
6 erty, upon its sale by the Secretary under this section.

7 (e) FAIR MARKET VALUE.—The Secretary concerned  
8 may sell or transfer employee quarters under this section  
9 for less than fair market value if the Secretary determines  
10 that such a sale or transfer will improve the quality of  
11 field employee quarters available and keep the quarters  
12 affordable at the salary ranges of field employees normally  
13 occupying them.

14 (f) PROCEEDS.—The proceeds under this section  
15 may, notwithstanding any other provision of law, be re-  
16 tained by the land management agency and shall be used  
17 for payment of any costs related to the housing program,  
18 including rehabilitation and construction activities, in-  
19 curred by the agency with respect to property subject to  
20 this section or any other employee housing project owned  
21 by, or under the jurisdiction or control of, such agency.  
22 Any surplus proceeds under this section shall be retained  
23 by the agency for those purposes until expended.

24 (g) RULE OF CONSTRUCTION.—Disposal of employee  
25 quarters under this section to field employees and coopera-

1 tives whose membership is made up exclusively of field em-  
2 ployees is not disposal of excess Federal real property  
3 under the Federal Property and Administrative Services  
4 Act of 1949 (40 U.S.C. 471 et seq.).

5 **SEC. 6. LEASING OF SEASONAL EMPLOYEE QUARTERS.**

6 (a) GENERAL AUTHORITY.—Subject to subsection  
7 (b), the Secretary concerned may lease quarters at or near  
8 an installation in the United States for use as seasonal  
9 quarters. The rent charged to field employees under such  
10 a lease shall be that amount which is equal to reasonable  
11 value.

12 (b) LIMITATION.—The Secretary concerned may only  
13 issue a lease under subsection (a) if the Secretary finds  
14 that there is a shortage of adequate and affordable sea-  
15 sonal quarters at or near such installation and that—

16 (1) the requirement for such seasonal field em-  
17 ployee quarters is temporary; or

18 (2) leasing would be more cost effective than  
19 construction of new seasonal field employee quarters.

20 (c) UNRECOVERED COSTS.—The Secretary concerned  
21 may pay the unrecovered costs of leasing seasonal quarters  
22 under this section from annual appropriations for the year  
23 in which such lease is made.

24 (d) PROCEEDS.—Proceeds from the rental of sea-  
25 sonal quarters under this section may, notwithstanding

1 any other provision of law, be retained by the land man-  
2 agement agency and shall be used for any costs related  
3 to the housing program, including rehabilitation and con-  
4 struction activities incurred by the agency with respect to  
5 property subject to this section or any other employee  
6 housing project owned by, or under the jurisdiction or con-  
7 trol of, such agency. Any surplus proceeds under this sec-  
8 tion shall be retained by the agency for those purposes  
9 until expended.

10 (e) RENTAL TO NONGOVERNMENTAL PERSONS.—  
11 The Secretary concerned may rent seasonal quarters on  
12 Government lands to nongovernment persons during those  
13 times that such units are not required for seasonal em-  
14 ployees.

15 **SEC. 7. SURVEY OF EXISTING FACILITIES.**

16 (a) IN GENERAL.—Within 2 years after the date of  
17 enactment of this Act, the Secretary concerned shall—

18 (1) complete a condition assessment for all field  
19 employee housing for land management agencies  
20 under their respective jurisdictions, including the  
21 physical condition of such housing and the necessity  
22 and suitability of such housing for the effective pros-  
23 ecution of the agency mission, using existing infor-  
24 mation; and

1           (2) develop an agency-wide priority listing, by  
2           structure, identifying those units in greatest need  
3           for repair, rehabilitation, replacement, or initial con-  
4           struction.

5           (b) CERTIFICATION.—Each Secretary concerned shall  
6           review the list to certify that Government housing is pro-  
7           posed—

8           (1) only where reasonable value private sector  
9           housing is not available; and

10          (2) where needed for the convenience of the  
11          Government to carry out agency mandates.

12          (c) SUBMISSION.—Each Secretary shall submit a re-  
13          port summarizing the study under this section to the Com-  
14          mittees on Resources and Appropriations of the House of  
15          Representatives and the Committees on Energy and Natu-  
16          ral Resources and Appropriations of the Senate.

17       **SEC. 8. USE OF HOUSING-RELATED FUNDS.**

18          (a) APPROPRIATIONS.—Expenditure of any funds au-  
19          thorized and appropriated for new construction, repair, or  
20          rehabilitation of housing under this Act shall follow the  
21          housing priority listing established by the agency under  
22          section 7, in sequential order, to the maximum extent  
23          practicable. No more than 20 percent of the funds appro-  
24          priated for these purposes shall be spent on other than  
25          actual construction activities.

1 (b) RENTAL INCOME.—

2 (1) SPECIAL FUND.—Notwithstanding title 5,  
3 United States Code, or any other provision of law,  
4 rents and charges collected by payroll deduction or  
5 otherwise for use or occupancy of quarters of agen-  
6 cies identified in this Act shall, after the date of en-  
7 actment of this Act, be deposited in a special fund  
8 in each agency, to remain available until expended,  
9 for the maintenance and operation of the quarters of  
10 that agency.

11 (2) REIMBURSABLE ACCOUNT.—All funds gen-  
12 erated from rental income shall be deposited to a re-  
13 imburseable account at no lower than the agency re-  
14 gional office level in order to ensure maximum effi-  
15 ciency in fund utilization.

16 (c) SET-ASIDE REQUIREMENT.—For all units of  
17 housing where the actual rent charged is less than the  
18 amount of funding necessary to maintain all field em-  
19 ployee housing in good condition or upgrade such housing  
20 to good condition, the manager of that unit or subunit  
21 shall set aside such additional funds from normal operat-  
22 ing accounts as are necessary to maintain housing in good  
23 condition or upgrade field employee housing to good condi-  
24 tion over a reasonable period of time.

1 (d) BUDGET LINE ITEM.—The Presidents’ proposed  
2 budget to Congress for the first fiscal year beginning after  
3 enactment of this Act, and for each subsequent fiscal year,  
4 shall identify specifically, in a separate line item for each  
5 land management agency, non-construction funds to be  
6 spent for housing maintenance and operations which are  
7 in addition to rental receipts collected.

8 **SEC. 9. AUTHORITY FOR COOPERATIVE VENTURES FOR IN-**  
9 **FRASTRUCTURE.**

10 The Secretary is authorized to enter into cooperative  
11 agreements or joint ventures with local and State govern-  
12 mental agencies, other Federal agencies, Indian tribes,  
13 and private entities either on or off the lands subject to  
14 the jurisdiction of the Secretary, to provide appropriate  
15 and necessary utility and other infrastructure facilities in  
16 support of field employee housing facilities provided under  
17 this Act.

18 **SEC. 10. GENERAL PROVISIONS.**

19 (a) CONSTRUCTION LIMITATIONS ON FEDERAL  
20 LANDS.—The Secretary concerned may not utilize any  
21 lands for the purposes of providing field employee housing  
22 under this Act which could impact primary resource values  
23 of the area or adversely affect the mission of the Depart-  
24 ment. Further, any construction carried out under this

1 Act shall be fully consistent with approved land manage-  
2 ment agency plans.

3 (b) RENTAL RATES.—

4 (1) ESTABLISHMENT.—The Secretary con-  
5 cerned shall establish reasonable value rental rates  
6 for all quarters occupied by field employees of land  
7 management agencies.

8 (2) ANNUAL ADJUSTMENTS.—The Secretary  
9 concerned may make annually an adjustment for a  
10 calendar year in the rental rates established under  
11 paragraph (1). Such adjustment may not exceed the  
12 Department of Labor's then applicable Consumer  
13 Price Index Residential Rent Series annual adjust-  
14 ment factor.

15 (c) AVAILABILITY OF QUARTERS.—In carrying out  
16 this Act and section 5911 of title 5, United States Code,  
17 with respect to land management agencies, the Secretary  
18 concerned shall determine the availability of quarters on  
19 the basis of the existence, within reasonable commuting  
20 range of well-constructed and maintained housing suitable  
21 to the individual and family needs of the field employee  
22 at a reasonable value.

23 **SEC. 11. DEFINITIONS.**

24 For purposes of this Act—

1           (1) the term “employee” means an employee of  
2           an agency or an officially enrolled volunteer;

3           (2) the term “essential amenities” means day  
4           care, laundromats, and recreational facilities and  
5           such other amenities as the Secretary deems appro-  
6           priate.

7           (3) the term “field employee” means an em-  
8           ployee who is exclusively assigned to perform duties  
9           at a field unit (including but not limited to a forest,  
10          park, or refuge) and does not include any person as-  
11          signed to any regional or other central office.

12          (4) the term “land management agency”  
13          means—

14                (A) the National Park Service, United  
15                States Fish and Wildlife Service, Bureau of  
16                Land Management, Bureau of Reclamation,  
17                and Bureau of Indian Affairs, Department of  
18                the Interior; and

19                (B) the Forest Service, Department of Ag-  
20                riculture;

21          (5) the term “primary resource values” means  
22          resources which are specifically mentioned in the en-  
23          abling legislation for that field unit or other resource  
24          value recognized under Federal statute;

1           (6) the term “quarters” means quarters owned  
2 or leased by the Government;

3           (7) the term “reasonable value” means—

4                 (A) in the case of field employees whose  
5 pay is not based on local comparability, a base  
6 rental rate which is comparable to private rent-  
7 al rates for comparable housing facilities and  
8 associated amenities, but not more than the na-  
9 tional average of rental rates for renters inclu-  
10 sive of utilities, whether paid as part of rent or  
11 paid directly to a third party, as determined by  
12 the most recent survey of American housing  
13 rental rates by the Bureau of the Census, De-  
14 partment of Commerce; and

15                 (B) in the case of field employees whose  
16 pay is established on the basis of local com-  
17 parability, the value which is established on the  
18 basis of local or regional housing market sur-  
19 veys conducted pursuant to regulations issued  
20 under section 5911 of title 5, United States  
21 Code;

22           (8) the term “seasonal quarters” means quar-  
23 ters typically occupied by field employees who are  
24 hired on assignments of 180 days or less; and

1           (9) the term “Secretary concerned” means the  
2       Secretary of the Interior or the Secretary of Agri-  
3       culture, as appropriate.

4 **SEC. 12. AUTHORIZATION.**

5       There is authorized to be appropriated such sums as  
6       may be necessary to carry out this Act.

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