

LODGING OPTIONS DEVELOPED FOR GOVERNMENT  
EMPLOYEES ACT

DECEMBER 30, 2022.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 7615]

The Committee on Natural Resources, to whom was referred the bill (H.R. 7615) to authorize the Secretary of the Interior to enter into partnerships to develop housing, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lodging Options Developed for Government Employees Act” or the “LODGE Act”.

**SEC. 2. HOUSING PARTNERSHIPS; OCCUPANCY.**

Subchapter III of chapter 1013 of title 54, United States Code, is amended—  
(1) by amending section 101331 to read as follows:

**“§ 101331. Definitions**

“In this subchapter:

“(1) **FIELD EMPLOYEE.**—The term ‘field employee’ means—

“(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a System unit, and the members of the employee’s family;

“(B) an individual performing duties at the System unit who is employed by a Service concession, partnership, educational, or conservation organization, whose work supports the mission of the System unit, and the members of the individual’s family;

“(C) an individual who is authorized to occupy Federal Government quarters under section 5911 of title 5 in the vicinity of the System unit, including individuals who are employees of other Federal agencies, and the members of the individual’s family; or

“(D) an employee of the Federal Government who is—

“(i) eligible to live in government housing; and

“(ii) not an employee of the Service.

“(2) **FUNDAMENTAL RESOURCES.**—The term ‘fundamental resources’ means resources essential to achieving the purposes of the System unit and maintaining its significance, as identified by the agency in planning documents, including Foundation Documents.

“(3) **HOUSING ACCOMMODATION PROJECT.**—The term ‘housing accommodation project’ means a project for the development, construction, rehabilitation, repair, maintenance, operation or management of housing accommodations, including related facilities and infrastructure, pursuant to an agreement entered into under section 101334.

“(4) **HOUSING PARTNERSHIP AGREEMENT.**—The term ‘housing partnership agreement’ means an agreement for a housing accommodation project entered into under section 101334.

“(5) **HOUSING UNITS.**—The term ‘housing units’ means housing units occupied by members of the public in housing accommodations developed or leased on non-Federal lands under this subchapter.

“(6) **MEMBER OF THE PUBLIC.**—The term ‘member of the public’ means an individual, and the members of the individual’s family, who is not a Federal Government employee.

“(7) **PRIMARY RESOURCE VALUES.**—The term ‘primary resource values’ means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

“(8) **PUBLIC LANDS.**—The term ‘public lands’ means lands under the administrative jurisdiction of the Federal Government.

“(9) **QUARTERS.**—The term ‘quarters’ means quarters occupied by field employees and are, for such purpose,—

“(A) provided by the Federal Government; or

“(B) developed or leased by the Federal Government in accordance with a housing partnership agreement, lease, or contract under this subchapter.”;

(2) in section 101332—

(A) in subsection (a)(2), by—

(i) striking “rates” and inserting “affordable rates”; and

(ii) by inserting “, unless otherwise authorized,” after “at rates based”;

(B) in subsection (c)—

(i) by inserting “under the administrative jurisdiction of the Service” after “any land”; and

(ii) by inserting “or fundamental resources” after “primary resource value”; and

(C) in subsection (d), by inserting “, unless otherwise authorized,” after “that are based”;

(3) in section 101333, by inserting “or affordability” after “lack of availability”;

(4) by amending section 101334 to read as follows:

**“§ 101334. Authorization for housing accommodation projects**

“(a) **IN GENERAL.**—The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing partnership agreements with other Federal agencies, State or local governments, Tribal Governments, housing entities, or other public or private organizations, for the purposes of facilitating housing accommodation projects for rent to field employees and members of the public—

“(1) on public lands, including System units;

“(2) off public lands in the vicinity of System units; or

“(3) a combination of public lands described in paragraphs (1) and (2).

“(b) **TERMS AND CONDITIONS.**—

“(1) **NATIONAL PARK LANDS.**—For any housing partnership agreements for housing accommodation projects on lands under the administrative jurisdiction of the Service, the Secretary shall—

“(A) ensure the housing accommodation project and the use thereof are in conformity with the approved plans, including housing management plans, for the System unit and Director’s Orders and reference manuals related to Service housing;

“(B) ensure that the location of the housing accommodation project will avoid degradation to the primary resource values and fundamental resources within the System unit, and will not adversely affect the mission of the Service;

“(C) ensure the entities responsible for the housing accommodation project comply with applicable law and policies, including the provisions of this subchapter;

“(D) identify the funding to be used in performing the housing accommodation project;

“(E) provide standards that must be met, as applicable, to ensure that the housing accommodation project, including related facilities and infrastructure, are kept in good condition and repair; and

“(F) that the agreements include any other terms and conditions the Secretary may consider advisable to protect the interests of the United States.

“(2) OTHER PUBLIC OR PRIVATE LANDS.—For any housing partnership agreements for housing accommodation projects on other public or private lands located in the vicinity of the relevant System unit and not under the administrative jurisdiction of the Service, the Secretary shall ensure the agreements—

“(A) have received the approval of each appropriate State or local government, Tribal Government, or other public or private entity involved;

“(B) identify both the Federal and non-Federal funding to be used in completing the housing and related facilities; and

“(C) any other terms and conditions the Secretary may consider advisable to protect the interests of the United States.

“(c) HOUSING OCCUPANCY.—

“(1) IN GENERAL.—The Secretary may allow field employees and members of the public to occupy and lease housing accommodation project quarters.

“(2) COMPLIANCE.—Members of the public occupying quarters shall be subject to the same laws and policies with which field employees are required to comply, as applicable.

“(3) PROHIBITION.—Field employees and members of the public shall be prohibited from subleasing housing units or quarters developed or leased in accordance with a housing partnership agreement under this section, including all forms of short-term rentals.

“(4) PREFERENCE.—To the maximum extent practicable, priority for occupancy in project quarters shall be given to field employees.

“(d) CONTRACTING PROCEDURES.—Each housing partnership agreement awarded pursuant to this section shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated procedures, unless the Secretary—

“(1) determines that it is in the public interest to use procedures other than competitive procedures with respect to the particular housing partnership agreement concerned; and

“(2) notifies, in writing, the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of such determinations and the rationale for such determination

“(e) RENT.—

“(1) COLLECTION.—The Secretary may collect, or may authorize entities who have entered into partnership housing agreements under this section to collect, rents directly from field employees and members of the public occupying housing units or quarters.

“(2) RATES.—For field employees, rent collected under this subsection may not exceed the rates determined pursuant to guidance in the document entitled ‘Circular No. A-45 Revised’ and dated November 25, 2019 (or subsequent guidance).

“(f) EXPIRATION OF AGREEMENTS.—

“(1) WITHIN SYSTEM UNITS.—The Secretary may allow long-term leases or term-limited ownership of housing units or quarters on public lands, as appropriate, to facilitate the ability of an entity with whom a housing partnership agreement has been entered into under subsection (b) to secure financing.

“(2) EXPIRATION OF TERM ON PUBLIC LANDS.—

“(A) IN GENERAL.—Upon expiration of a term of ownership under paragraph (1), the Secretary may—

“(i) renew the housing partnership agreement for terms not to exceed 10 years;

“(ii) require the entity with whom a housing partnership agreement has been entered into under subsection (a) to demolish the housing accommodations and related facilities and infrastructure, and restore the land to conditions generally existing before construction on the lands upon which the housing accommodation project is located without any cost to the Federal Government;

“(iii) take ownership of the housing accommodations and related facilities and infrastructure, including fixtures and personal property necessary for the operation of the property; or

“(iv) enter into a new housing partnership agreement.

“(B) COVERING COSTS.—If taking ownership of buildings under subparagraph (A)(ii), the Secretary may require the owner whose term of ownership

is expiring to cover costs associated with preparing the building site for new or continued use.

“(3) ON NON-FEDERAL LANDS.—Upon expiration of a housing partnership agreement for housing accommodations on non-Federal lands, the Secretary may extend the housing partnership agreement for terms not to exceed 10 years.”;

(5) in section 101335—

(A) in subsection (a)—

(i) in paragraph (1)(A), by striking “50” and inserting “60”;

(ii) in paragraph (2)—

(I) by striking “procedures.” and inserting “procedures, unless—”, and

(II) by adding at the end the following:

“(A) the lease is awarded to a nonprofit or government entity; or

“(B) the Secretary determines that it is in the public interest to use procedures other than competitive procedures in the particular lease concerned and notifies, in writing, the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of such determination and the rationale for such determination.”; and

(iii) in paragraph (3)(D), by inserting “, affordability,” after “improve the quality”;

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3); and

(ii) by inserting after paragraph (1) the following:

“(2) TERMS AND CONDITIONS.—Any arrangement made pursuant to this subsection shall contain such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.”; and

(C) by redesignating paragraph (4) as paragraph (3);

(6) in section 101336, by inserting “rehabilitation,” after “repair,”;

(7) by amending section 101338 to read as follows:

**“§ 101338. General provisions**

“(a) EXEMPTIONS.—The following provisions shall not apply to leases contracts, or housing partnership agreements awarded by the Secretary under this subchapter:

“(1) Sections 102102 and 102901 of this title.

“(2) Section 1302 of title 40.

“(b) PROCEEDS FROM LEASES.—The proceeds from any lease or housing partnership agreement under this subchapter from which the Service directly collects the proceeds shall be retained by the Service and deposited in the special fund established for repair, maintenance, rehabilitation, and operations of housing units and quarters and associated facilities and infrastructure.”; and

(8) in section 101340—

(A) by amending subsection (a) to strike “, in sequential order,”; and

(B) by amending subsection (b) to read as follows:

“(b) ANNUAL BUDGET SUBMITTAL.—Each fiscal year, the President’s proposed budget to Congress shall include—

“(1) identification of non-construction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected;

“(2) the use of each of the authorities provided to the Service under this subchapter;

“(3) the number of additional housing units needed within the National Park System;

“(4) any barriers that have been identified to providing the needed housing; and

“(5) any recommendations for changes to existing authorities that would help to remove those barriers.”.

**PURPOSE OF THE BILL**

The purpose of H.R. 7615 is to provide the Secretary of the Interior with expanded authority to enter into agreements with non-federal partners in order to expand the available pool of employee housing within national parks and adjacent communities.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 7615 would provide the National Park Service (NPS) with new authority to establish housing partnerships with non-federal partners to develop employee housing options throughout the NPS system and adjacent communities. Specifically, the bill authorizes the Secretary of the Interior to enter into housing agreements, contracts and leases for the development, construction, refurbishment, and management of housing facilities on public, private and/or a combination of public and private land. Any housing facility developed through this authority must conform with relevant Director's Orders and approved plans for the specific unit in which they are located or planned to serve.

A lack of affordable housing to meet staffing needs, including a lack of funding to replace dilapidated housing, has been a serious issue in many units of the NPS for decades. The housing situation creates both recruitment and retention issues for the agency. Some parks often lose out on prospective employees due to the lack of affordable housing, while other parks have had to reach out to their surrounding communities to locate affordable housing for seasonal workers. The NPS mission emphasizes providing in-park visitor services, which is distinct from other land management agencies like the Bureau of Land Management and U.S. Forest Service, so the agency needs to provide its employees with in-park housing. However, this critical requirement is exacerbated by the rise of short-term rental vacation homes and the tight housing market in many parts of the country. The agency is clearly in need of resources and tools to address the employee housing situation.

At markup, the committee adopted an amendment filed by Representative Moore to incorporate technical assistance provided by NPS and the Department of the Interior. This amendment made important updates designed to facilitate implantation of the bill. However, the amendment did not execute a critical change regarding the eligibility of housing units developed within the boundaries of national parks, which was recommended by the Department. The current text of H.R. 7615 would allow the general public to rent units within park boundaries. While the bill was ultimately reported out of committee by unanimous consent, there continues to be disagreement about whether it is appropriate to develop private residences in our national parks. Congress should help NPS solve the employee housing crisis—in doing so, however, it should not create new and potentially inconsistent uses in our national parks.

## COMMITTEE ACTION

H.R. 7615 was introduced on April 28, 2022, by Representative Blake Moore (R-UT). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On June 14, 2022, the Subcommittee held a hearing on the bill. On December 8, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Moore offered an amendment in the nature of a substitute. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was adopted and ordered fa-

vorably reported to the House of Representatives by unanimous consent.

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on June 14, 2022.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements 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 and with respect to requirements of clause (3)(c)(3) and clause 3(d) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to provide the Secretary of the Interior with expanded authority to enter into agreements with non-federal partners in order to expand the available pool of employee housing within national parks and adjacent communities.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional*

*Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### TITLE 54, UNITED STATES CODE

\* \* \* \* \*

### SUBTITLE I—NATIONAL PARK SYSTEM

\* \* \* \* \*

### CHAPTER 1013—EMPLOYEES

\* \* \* \* \*

### SUBCHAPTER III—HOUSING IMPROVEMENT

#### § 101331. Definitions

In this subchapter:

(1) FIELD EMPLOYEE.—The term “field employee” means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) PRIMARY RESOURCE VALUES.—The term “primary resource values” means resources that are specifically mentioned

in the enabling legislation for that field unit or other resource value recognized under Federal statute.

[(3) QUARTERS.—The term “quarters” means quarters owned or leased by the Federal Government.]

[(4) SEASONAL QUARTERS.—The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less. ]

### § 101331. Definitions

*In this subchapter:*

(1) *FIELD EMPLOYEE.*—The term “field employee” means—

(A) *an employee of the Service who is exclusively assigned by the Service to perform duties at a System unit, and the members of the employee’s family;*

(B) *an individual performing duties at the System unit who is employed by a Service concession, partnership, educational, or conservation organization, whose work supports the mission of the System unit, and the members of the individual’s family;*

(C) *an individual who is authorized to occupy Federal Government quarters under section 5911 of title 5 in the vicinity of the System unit, including individuals who are employees of other Federal agencies, and the members of the individual’s family; or*

(D) *an employee of the Federal Government who is—*  
*(i) eligible to live in government housing; and*  
*(ii) not an employee of the Service.*

(2) *FUNDAMENTAL RESOURCES.*—The term “fundamental resources” means resources essential to achieving the purposes of the System unit and maintaining its significance, as identified by the agency in planning documents, including Foundation Documents.

(3) *HOUSING ACCOMMODATION PROJECT.*—The term “housing accommodation project” means a project for the development, construction, rehabilitation, repair, maintenance, operation or management of housing accommodations, including related facilities and infrastructure, pursuant to an agreement entered into under section 101334.

(4) *HOUSING PARTNERSHIP AGREEMENT.*—The term “housing partnership agreement” means an agreement for a housing accommodation project entered into under section 101334.

(5) *HOUSING UNITS.*—The term “housing units” means housing units occupied by members of the public in housing accommodations developed or leased on non-Federal lands under this subchapter.

(6) *MEMBER OF THE PUBLIC.*—The term “member of the public” means an individual, and the members of the individual’s family, who is not a Federal Government employee.

(7) *PRIMARY RESOURCE VALUES.*—The term “primary resource values” means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(8) *PUBLIC LANDS.*—The term “public lands” means lands under the administrative jurisdiction of the Federal Government.



- (9) *QUARTERS.*—The term “quarters” means quarters occupied by field employees and are, for such purpose,—
- (A) provided by the Federal Government; or
  - (B) developed or leased by the Federal Government in accordance with a housing partnership agreement, lease, or contract under this subchapter.

**§ 101332. General authority of Secretary**

(a) *RENTAL HOUSING.*—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

- (1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and
- (2) rent that housing to field employees at [rates] *affordable rates* based, *unless otherwise authorized*, on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) *JOINT DEVELOPMENT AUTHORITY.*—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(c) *CONSTRUCTION LIMITATIONS ON FEDERAL LAND.*—The Secretary may not utilize any land *under the administrative jurisdiction of the Service* for the purposes of providing field employee housing under this subchapter that will affect a primary resource value or *fundamental resources* of the area or adversely affect the mission of the Service.

(d) *RENTAL RATES.*—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the Service that are based, *unless otherwise authorized*, on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

**§ 101333. Criteria for providing housing**

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability or *affordability* of non-Federal housing in a geographic area.

**【§ 101334. Authorization for housing agreements**

【The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.】

**§ 101334. Authorization for housing accommodation projects**

(a) *IN GENERAL.*—The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing partnership agreements

with other Federal agencies, State or local governments, Tribal Governments, housing entities, or other public or private organizations, for the purposes of facilitating housing accommodation projects for rent to field employees and members of the public—

- (1) on public lands, including System units;
- (2) off public lands in the vicinity of System units; or
- (3) a combination of public lands described in paragraphs (1) and (2).

(b) **TERMS AND CONDITIONS.**—

(1) **NATIONAL PARK LANDS.**—For any housing partnership agreements for housing accommodation projects on lands under the administrative jurisdiction of the Service, the Secretary shall—

(A) ensure the housing accommodation project and the use thereof are in conformity with the approved plans, including housing management plans, for the System unit and Director's Orders and reference manuals related to Service housing;

(B) ensure that the location of the housing accommodation project will avoid degradation to the primary resource values and fundamental resources within the System unit, and will not adversely affect the mission of the Service;

(C) ensure the entities responsible for the housing accommodation project comply with applicable law and policies, including the provisions of this subchapter;

(D) identify the funding to be used in performing the housing accommodation project;

(E) provide standards that must be met, as applicable, to ensure that the housing accommodation project, including related facilities and infrastructure, are kept in good condition and repair; and

(F) that the agreements include any other terms and conditions the Secretary may consider advisable to protect the interests of the United States.

(2) **OTHER PUBLIC OR PRIVATE LANDS.**—For any housing partnership agreements for housing accommodation projects on other public or private lands located in the vicinity of the relevant System unit and not under the administrative jurisdiction of the Service, the Secretary shall ensure the agreements—

(A) have received the approval of each appropriate State or local government, Tribal Government, or other public or private entity involved;

(B) identify both the Federal and non-Federal funding to be used in completing the housing and related facilities; and

(C) any other terms and conditions the Secretary may consider advisable to protect the interests of the United States.

(c) **HOUSING OCCUPANCY.**—

(1) **IN GENERAL.**—The Secretary may allow field employees and members of the public to occupy and lease housing accommodation project quarters.

(2) **COMPLIANCE.**—Members of the public occupying quarters shall be subject to the same laws and policies with which field employees are required to comply, as applicable.

(3) *PROHIBITION.*—*Field employees and members of the public shall be prohibited from subleasing housing units or quarters developed or leased in accordance with a housing partnership agreement under this section, including all forms of short-term rentals.*

(4) *PREFERENCE.*—*To the maximum extent practicable, priority for occupancy in project quarters shall be given to field employees.*

(d) *CONTRACTING PROCEDURES.*—*Each housing partnership agreement awarded pursuant to this section shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated procedures, unless the Secretary—*

(1) *determines that it is in the public interest to use procedures other than competitive procedures with respect to the particular housing partnership agreement concerned; and*

(2) *notifies, in writing, the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of such determinations and the rationale for such determination*

(e) *RENT.*—

(1) *COLLECTION.*—*The Secretary may collect, or may authorize entities who have entered into partnership housing agreements under this section to collect, rents directly from field employees and members of the public occupying housing units or quarters.*

(2) *RATES.*—*For field employees, rent collected under this subsection may not exceed the rates determined pursuant to guidance in the document entitled “Circular No. A-45 Revised” and dated November 25, 2019 (or subsequent guidance).*

(f) *EXPIRATION OF AGREEMENTS.*—

(1) *WITHIN SYSTEM UNITS.*—*The Secretary may allow long-term leases or term-limited ownership of housing units or quarters on public lands, as appropriate, to facilitate the ability of an entity with whom a housing partnership agreement has been entered into under subsection (b) to secure financing.*

(2) *EXPIRATION OF TERM ON PUBLIC LANDS.*—

(A) *IN GENERAL.*—*Upon expiration of a term of ownership under paragraph (1), the Secretary may—*

(i) *renew the housing partnership agreement for terms not to exceed 10 years;*

(ii) *require the entity with whom a housing partnership agreement has been entered into under subsection (a) to demolish the housing accommodations and related facilities and infrastructure, and restore the land to conditions generally existing before construction on the lands upon which the housing accommodation project is located without any cost to the Federal Government;*

(iii) *take ownership of the housing accommodations and related facilities and infrastructure, including fixtures and personal property necessary for the operation of the property; or*

(iv) *enter into a new housing partnership agreement.*

(B) *COVERING COSTS.*—*If taking ownership of buildings under subparagraph (A)(ii), the Secretary may require the*

*owner whose term of ownership is expiring to cover costs associated with preparing the building site for new or continued use.*

(3) *ON NON-FEDERAL LANDS.—Upon expiration of a housing partnership agreement for housing accommodations on non-Federal lands, the Secretary may extend the housing partnership agreement for terms not to exceed 10 years.*

### § 101335. Housing programs

(a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

(1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may lease—

(A) Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed **[50]** 60 years; and

(B) developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting **[procedures.]** *procedures, unless—*

(A) *the lease is awarded to a nonprofit or government entity; or*

(B) *the Secretary determines that it is in the public interest to use procedures other than competitive procedures in the particular lease concerned and notifies, in writing, the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of such determination and the rationale for such determination.*

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

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;

(C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality, *affordability*, and availability of field employee quarters.

(4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.

(b) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.

[(2) LIMITATIONS ON GUARANTEES.—

[(A) SPECIFIC GUARANTEES.—The Secretary may not guarantee—

[(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the lease; and

[(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

[(B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guarantees shall not be in excess of \$3,000,000.

[(3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.]

(2) TERMS AND CONDITIONS.—*Any arrangement made pursuant to this subsection shall contain such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.*

[(4)] (3) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.

**§ 101336. Contracts for the management of field employee quarters**

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, *rehabilitation*, and maintenance of field employee quarters. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

\* \* \* \* \*

**[§ 101338. General leasing provisions**

[(a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

[(b) PROCEEDS FROM LEASES.—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.]

**§ 101338. General provisions**

(a) *EXEMPTIONS.*—The following provisions shall not apply to leases contracts, or housing partnership agreements awarded by the Secretary under this subchapter:

- (1) Sections 102102 and 102901 of this title.
- (2) Section 1302 of title 40.

(b) *PROCEEDS FROM LEASES.*—The proceeds from any lease or housing partnership agreement under this subchapter from which the Service directly collects the proceeds shall be retained by the Service and deposited in the special fund established for repair, maintenance, rehabilitation, and operations of housing units and quarters and associated facilities and infrastructure.

\* \* \* \* \*

**§ 101340. Use of funds**

(a) *EXPENDITURE SHALL FOLLOW PRIORITY LISTING.*—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title[, in sequential order,] to the maximum extent practicable.

[(b) *NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.*—Each fiscal year the President’s proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.]

(b) *ANNUAL BUDGET SUBMITTAL.*—Each fiscal year, the President’s proposed budget to Congress shall include—

- (1) identification of non-construction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected;
- (2) the use of each of the authorities provided to the Service under this subchapter;
- (3) the number of additional housing units needed within the National Park System;
- (4) any barriers that have been identified to providing the needed housing; and
- (5) any recommendations for changes to existing authorities that would help to remove those barriers.

\* \* \* \* \*

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

