

Calendar No. 442

103D CONGRESS
2D SESSION

S. 472

[Report No. 103-271]

A BILL

To improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

MAY 25 (legislative day, MAY 16), 1994

Reported with amendments

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IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, JANUARY 5), 1993

Mr. WALLOP (for himself and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 25 (legislative day, MAY 16), 1994

Reported by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

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 referred to as the “Land Manage-
5 ment Agency Housing Improvement Act of ~~1993~~” of
6 *1994*”.

7 **SEC. 2. DEFINITIONS.**

8 As used in this Act, the term—

9 (1) “public lands” means Federal lands admin-
10 istered by the Secretary of the Interior or the Sec-
11 retary of Agriculture; and

12 (2) “Secretaries” means the Secretary of the
13 Interior and the Secretary of Agriculture.

14 **SEC. 3. EMPLOYEE HOUSING.**

15 (a)(1) To promote the recruitment and retention of
16 qualified personnel necessary for the effective manage-
17 ment of public lands, the Secretaries are authorized to—

18 (A) make employee housing available, subject to
19 the limitations set forth in paragraph (2), on or off
20 public lands, and

21 (B) rent or lease such housing to employees of
22 the respective Department at a reasonable value.

23 (2)(A) Housing made available on public lands shall
24 be limited to those areas designated for administrative
25 use.

1 (B) No private lands or interests therein outside of
2 the boundaries of federally administered areas may be ac-
3 quired for the purposes of this Act except with the consent
4 of the owner thereof.

5 (b) The Secretaries shall provide such housing in ac-
6 cordance with this Act and section 5911 of title 5, United
7 States Code, except that for the purposes of this Act, the
8 term—

9 (1) “availability of quarters” (as used in this
10 Act and subsection (b) of section 5911) means the
11 existence, within thirty miles of the employee’s duty
12 station, of well-constructed and maintained housing
13 suitable to the individual and family needs of the
14 employee, for which the rental rate as a percentage
15 of the employee’s annual gross income does not ex-
16 ceed the most recent Census Bureau American
17 Housing Survey average percentage of rents paid by
18 ~~renters~~ *Survey median monthly housing cost for rent-*
19 *ers inclusive of utilities, whether utilities, as a per-*
20 *centage of current income, whether paid as part of*
21 *rent or paid directly to a third party;*

22 (2) “contract” (as used in this Act and sub-
23 section (b) of section 5911) includes, but is not lim-
24 ited to, “Build-to-Lease”, “Rental Guarantee”,
25 “Joint Development” or other lease agreements en-

1 tered into by the Secretary, on or off public lands,
2 for the purposes of sub-leasing to Departmental
3 employees; and

4 (3) “reasonable value” (as used in this Act and
5 subsection (c) of section 5911) means the base rent-
6 al rate comparable to private rental rates for com-
7 parable housing facilities and associated amenities:
8 *Provided*, That the base rental rate as a percentage
9 of the employee’s annual gross income shall not ex-
10 ceed the most recent American Housing Survey av-
11 erage percentage of rents paid by renters *Survey me-*
12 *dian monthly housing cost for renters inclusive of*
13 ~~utilities, whether~~ *utilities, as a percentage of current*
14 *income, whether* paid as part of rent or paid directly
15 to a third party.

16 (c) Subject to appropriation, the Secretaries may
17 enter into contracts and agreements with public and pri-
18 vate entities to provide employee housing on or off public
19 lands.

20 (d) The Secretaries may enter into cooperative agree-
21 ments or joint ventures with local governmental and pri-
22 vate entities, either on or off public lands, to provide ap-
23 propriate and necessary utility and other infrastructure
24 facilities in support of employee housing facilities provided
25 under this Act.

1 **SEC. 4. SURVEY OF RENTAL QUARTERS.**

2 The Secretaries shall conduct a survey of the avail-
3 ability of quarters at field units under each Secretary's
4 jurisdiction at least every five years. If such survey indi-
5 cates that government owned or suitable privately owned
6 quarters are not available as defined in section 3(b)(1) of
7 this Act ~~of the Act for the~~ personnel assigned to a specific
8 duty station, the Secretaries are authorized to provide
9 suitable quarters in accordance with the provisions of this
10 Act. For the purposes of this section, the term "suitable
11 quarters" means well-constructed, maintained housing
12 suitable to the individual and family needs of the
13 employee.

14 **SEC. 5. SECONDARY QUARTERS.**

15 (a) The Secretaries may determine that secondary
16 quarters for employees who are permanently duty sta-
17 tioned at remote locations and are regularly required to
18 relocate for temporary periods are necessary for the effec-
19 tive administration of an area under the jurisdiction of
20 the respective agency. Such secondary quarters are au-
21 thorized to be made available to employees, either on or
22 off public lands, in accordance with the provisions of this
23 Act.

24 (b) Rental rates for such secondary facilities shall be
25 established so that the aggregate rental rate paid by an
26 employee for both primary and secondary quarters as a

1 percentage of the employee's annual gross income shall
2 not exceed the Census Bureau American Housing Survey
3 ~~average percentage of rents paid by renters inclusive of~~
4 ~~utilities, whether paid as part of rent or paid directly to~~
5 ~~a third party.~~ *median monthly housing cost for renters in-*
6 *clusive of utilities as a percentage of current income, wheth-*
7 *er paid as part of rent or paid directly to a third party.*

8 **SEC. 6. SURVEY OF EXISTING FACILITIES.**

9 (a) Within two years after the date of enactment of
10 this Act, the Secretaries shall survey all existing govern-
11 ment owned employee housing facilities under the jurisdic-
12 tion of the Department of the Interior and the Depart-
13 ment of Agriculture, to assess the physical condition of
14 such housing and the suitability of such housing for the
15 effective prosecution of the agency mission. The Secretar-
16 ies shall develop an agency-wide priority listing, by struc-
17 ture, identifying those units in greatest ~~need for repair,~~
18 *need of repair*, rehabilitation, replacement or initial con-
19 struction, as appropriate. The survey and priority listing
20 study shall be transmitted to the Committees on Appro-
21 priations and Energy and Natural Resources of the Unit-
22 ed States Senate and the Committees on Appropriations
23 ~~and Interior and Insular Affairs of~~ *and Natural Resources*
24 *of* the United States House of Representatives.

1 (b) Unless otherwise provided by law, expenditure of
2 any funds appropriated for construction, repair or reha-
3 bilitation shall follow, in sequential order, the priority list-
4 ing established by each agency. Funding available from
5 other sources for employee housing repair may be distrib-
6 uted as determined by the Secretaries.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as may be necessary to carry out this Act.