

## **TITLE 16 - CONSERVATION**

### **CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES SUBCHAPTER I - NATIONAL PARK SERVICE**

#### **§ 17o. National Park Service housing improvement**

##### **(1) Purposes**

The purposes of this section are—

- (A) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;
- (B) to expand the alternatives available for construction and repair of essential Government housing;
- (C) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;
- (D) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and
- (E) to eliminate unnecessary Government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

##### **(2) General authority**

To enhance the ability of the Secretary of the Interior (hereafter in this section referred to as “the Secretary”), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

##### **(3) Review and revision of housing criteria**

On November 12, 1996, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. Specifically, the Secretary shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

##### **(4) Submission of report**

A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after November 12, 1996. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

##### **(5) Review of condition of and costs relating to housing**

Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned<sup>1</sup> housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

**(6) Authorization for housing agreements**

For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed, the Secretary is authorized, pursuant to the authorities contained in this section and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this section.

**(7) Joint public-private sector housing programs**

**(A) Lease to build program**

Subject to the appropriation of necessary funds in advance, the Secretary may—

- (i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and
- (ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

**(B) Competitive leasing**

Each lease under subparagraph (A)(i) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

**(C) Terms and conditions**

Each lease under subparagraph (A)(i)—

- (i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;
- (ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;
- (iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents 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
- (iv) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

**(D) Contributions by United States**

The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

**(8) Rental guarantee program**

**(A) 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 paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

**(B) Limitations**

The Secretary may not guarantee—

- (i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such 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.

In no event shall outstanding guarantees be in excess of \$3,000,000,<sup>2</sup>

**(C) Rental to Government employees**

A guarantee may be made under this section only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made<sup>3</sup>

**(D) Failure to maintain a satisfactory level of operation and maintenance**

The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

**(9) 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.

**(10) Contracts for the management of field employee quarters**

**(A) General authority**

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

**(B) Terms and conditions**

Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

**(11) Leasing of seasonal employee quarters**

**(A) General authority**

Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

**(B) Limitation**

The Secretary may only issue a lease under subparagraph (A) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

- (i) the requirement for such seasonal field employee quarters is temporary; or
- (ii) leasing would be more cost-effective than construction of new seasonal field employee quarters.

**(C) Unrecovered costs**

The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

**(12) Survey of existing facilities**

The Secretary shall—

- (A)** complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and
- (B)** develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

**(13) Use of housing-related funds**

Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under paragraph (12), in sequential order, to the maximum extent practicable.

**(14) Annual budget submittal**

The President's proposed budget to Congress for the first fiscal year beginning after November 12, 1996, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

**(15) Study of housing allowances**

Within 12 months after November 12, 1996, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than Government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

**(16) Study of sale of employee housing**

Within 18 months of November 12, 1996, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

**(17) General provisions**

**(A) Construction limitations on Federal lands**

The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact primary resource values of the area or adversely affect the mission of the agency.

**(B) Rental rates**

To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

**(C) Exemption from leasing requirements**

The provisions of section 4601-22 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

**(18) Proceeds**

The proceeds from any lease under paragraph (7)(A) and any lease under paragraph (11) shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

**(19) Definitions**

For purposes of this section:

**(A) The term "field employee" means—**

- (i)** an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and
- (ii)** other individuals who are authorized to occupy Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

**(B) The term "land management agency" means the National Park Service, Department of the Interior.**

**(C) The term "primary resource values" means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.**

**(D) The term "quarters" means quarters owned or leased by the Government.**

(E) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

### Footnotes

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. The comma probably should be a period.

<sup>3</sup> So in original. Probably should be followed by a period.

(Pub. L. 104–333, div. I, title VIII, § 814(a), Nov. 12, 1996, 110 Stat. 4190; Pub. L. 106–176, title I, § 120(a)(1), Mar. 10, 2000, 114 Stat. 28.)

### References in Text

This section, referred to in pars. (1), (6), (13), and (17)(A), (C), means section 814 of title VIII of div. I of Pub. L. 104–333 which enacted this section and sections 1f and 346e of this title and made numerous amendments to this title. The reference probably should have been “this subsection” meaning subsec. (a) of section 814 which enacted this section.

### Codification

“Section 1302 of title 40” substituted in par. (17)(C) for “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412)” on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

### Amendments

2000—Par. (6). Pub. L. 106–176, § 120(a)(1)(A), substituted “this section” for “this Act” before period at end.

Par. (7)(B). Pub. L. 106–176, § 120(a)(1)(B), substituted “Competitive leasing” for “Comptetitive leasing” in subpar. heading.

Par. (9). Pub. L. 106–176, § 120(a)(1)(C), substituted “granted by statute” for “granted by statue”.

Par. (11)(B)(ii). Pub. L. 106–176, § 120(a)(1)(D), substituted “more cost-effective” for “more cost effective”.

Par. (13). Pub. L. 106–176, § 120(a)(1)(E), substituted “paragraph (12),” for “paragraph (13),”.

Par. (18). Pub. L. 106–176, § 120(a)(1)(F), substituted “under paragraph (7)(A) and any lease under paragraph (11)” for “under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (I),”.

### Change of Name

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.