

Amendment in the Nature of a Substitute for H.R. 7615 offered by Representative Moore of Utah

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.—

“(A) IN GENERAL.—The term ‘field employee’ means—

“(i) 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;

“(ii) 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;

“(ii) 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

“(iii) 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 ACCOMODATION 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”;

(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; and

“(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

“(iii) 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.”.

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

(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,”

(B) to amend 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.”.