

# Calendar No. 806

108TH CONGRESS  
2D SESSION

# S. 1905

[Report No. 108-414]

To provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2003

Ms. MURKOWSKI (for herself and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

NOVEMBER 17, 2004

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

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 “Rural Teacher Hous-  
5 ing Act of 2003”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) housing for teachers, administrators, other  
4 school staff, and their households in remote and  
5 rural areas of Alaska is often substandard, if avail-  
6 able at all;

7 (2) as a consequence, teachers, administrators,  
8 other school staff, and their households are often  
9 forced to find alternate shelter, sometimes even in  
10 school buildings; and

11 (3) rural school districts in Alaska are facing  
12 increased challenges, including meeting the man-  
13 dates of the No Child Left Behind Act, in recruiting  
14 employees due to the lack of affordable, quality  
15 housing.

16 (b) PURPOSE.—The purpose of this Act is to provide  
17 habitable living quarters for teachers, administrators,  
18 other school staff, and their households in rural areas of  
19 Alaska located in or near Alaska Native Villages.

20 **SEC. 3. DEFINITIONS.**

21 In this Act, the following definitions shall apply:

22 (1) ALASKA HOUSING FINANCE CORPORA-  
23 TION.—The term “Alaska Housing Finance Cor-  
24 poration” means the State housing authority for the  
25 State of Alaska, created under the laws of the State  
26 of Alaska, or any successor thereto.

1           (2) **ELEMENTARY SCHOOL.**—The term “elemen-  
2           tary school” has the meaning given that term in sec-  
3           tion 9101 of the Elementary and Secondary Edu-  
4           cation Act of 1965 (20 U.S.C. 7801).

5           (3) **ELIGIBLE SCHOOL DISTRICT.**—The term  
6           “eligible school district” means a public school dis-  
7           trict (as defined under the laws of the State of Alas-  
8           ka) located in the State of Alaska that operates one  
9           or more schools in a qualified community.

10          (4) **NATIVE VILLAGE.**—The term “Native Vil-  
11          lage”—

12                 (A) has the meaning given that term in  
13                 section 3 of the Alaska Native Claims Settle-  
14                 ment Act (43 U.S.C 1602); and

15                 (B) includes the Metlakatla Indian Com-  
16                 munity of the Annette Islands Reserve.

17          (5) **OTHER SCHOOL STAFF.**—The term “other  
18          school staff” means pupil services personnel, librar-  
19          ians, career guidance and counseling personnel, edu-  
20          cation aides, and other instructional and administra-  
21          tive school personnel.

22          (6) **QUALIFIED COMMUNITY.**—

23                 (A) **IN GENERAL.**—The term “qualified  
24                 community” means a home rule or general law  
25                 city incorporated under the laws of the State of

1 Alaska, or an unincorporated community (as  
 2 defined under the laws of the State of Alaska)  
 3 in the State of Alaska situated outside the lim-  
 4 its of such a city, with respect to which, the  
 5 Alaska Housing Finance Corporation has deter-  
 6 mined that the city or unincorporated commu-  
 7 nity—

8 (i) has a population of 6,500 or fewer  
 9 individuals;

10 (ii) is situated within or near a Native  
 11 Village, as determined by the Alaska Hous-  
 12 ing Finance Corporation; and

13 (iii) is not connected by road or rail-  
 14 road to the municipality of Anchorage,  
 15 Alaska.

16 (B) CONNECTED BY ROAD.—In this para-  
 17 graph, the term “connected by road” does not  
 18 include a connection by way of the Alaska Ma-  
 19 rine Highway System, created under the laws of  
 20 the State of Alaska, or a connection that re-  
 21 quires travel by road through Canada.

22 (7) SECONDARY SCHOOL.—The term “sec-  
 23 ondary school” has the meaning given that term in  
 24 section 9101 of the Elementary and Secondary Edu-  
 25 cation Act of 1965 (20 U.S.C. 7801).

1           (8) SECRETARY.—The term “Secretary” means  
2           the Secretary of Housing and Urban Development.

3           (9) TEACHER.—The term “teacher” means an  
4           individual who is employed as a teacher in a public  
5           elementary or secondary school, and meets the  
6           teaching certification or licensure requirements of  
7           the State of Alaska.

8           (10) TRIBALLY DESIGNATED HOUSING ENTI-  
9           TY.—The term “tribally designated housing entity”  
10          has the meaning given that term in section 4 of the  
11          Native American Housing Assistance and Self-De-  
12          termination Act of 1996 (25 U.S.C. 4103).

13          (11) VILLAGE CORPORATION.—The term “Vil-  
14          lage Corporation” has the meaning given that term  
15          in section 3 of the Alaska Native Claims Settlement  
16          Act (43 U.S.C. 1602), and includes urban and group  
17          corporations, as defined in that section.

18 **SEC. 4. RURAL TEACHER HOUSING PROGRAM.**

19          (a) GRANTS AND LOANS AUTHORIZED.—The Sec-  
20          retary shall provide funds to the Alaska Housing Finance  
21          Corporation in accordance with the regulations promul-  
22          gated under section 5, to be used as provided under sub-  
23          section (b).

24          (b) USE OF FUNDS.—

1           (1) IN GENERAL.—Funds received pursuant to  
2 subsection (a) shall be used by the Alaska Housing  
3 Finance Corporation to make grants or loans to eli-  
4 gible school districts, to be used as provided in para-  
5 graph (2).

6           (2) USE OF FUNDS BY ELIGIBLE SCHOOL DIS-  
7 TRICTS.—Grants or loans received by an eligible  
8 school district pursuant to paragraph (1) shall be  
9 used for—

10           (A) the construction of new housing units  
11 within a qualified community;

12           (B) the purchase and rehabilitation of ex-  
13 isting structures to be used as housing units  
14 within a qualified community;

15           (C) the rehabilitation of housing units  
16 within a qualified community;

17           (D) the leasing of housing units within a  
18 qualified community;

19           (E) purchasing or leasing real property on  
20 which housing units will be constructed, pur-  
21 chased, or rehabilitated within a qualified com-  
22 munity;

23           (F) the repayment of a loan used for the  
24 purposes of constructing, purchasing, or reha-  
25 bilitating housing units, or for purchasing real

1 property on which housing units will be con-  
2 structed, purchased, or rehabilitated, within a  
3 qualified community, or any activity under sub-  
4 paragraph (G);

5 (G) any other activities normally associ-  
6 ated with the construction, purchase, or reha-  
7 bilitation of housing units within a qualified  
8 community, including—

9 (i) connecting housing units to various  
10 utilities;

11 (ii) preparation of construction sites;

12 (iii) transporting all equipment and  
13 materials necessary for the construction or  
14 rehabilitation of housing units to and from  
15 the site on which such housing units exist  
16 or will be constructed; and

17 (iv) environmental assessment and re-  
18 mediation of construction sites or sites  
19 where housing units exist; and

20 (H) the funding of any remaining costs for  
21 the construction, purchase, or rehabilitation of  
22 housing units within a qualified community, the  
23 purchase of real property within a qualified  
24 community, or any activity listed under sub-

1 paragraph (G) that is not financed by loans or  
2 other sources of funding.

3 (c) OWNERSHIP OF HOUSING AND LAND.—

4 (1) IN GENERAL.—All housing units con-  
5 structed, purchased, or rehabilitated, or real prop-  
6 erty purchased, with grant or loan funds provided  
7 under this Act, or with respect to which funds under  
8 this Act have been expended, shall be owned by the  
9 relevant eligible school district, municipality (as de-  
10 fined under the laws of the State of Alaska), Village  
11 Corporation, the Metlakatla Indian Community of  
12 the Annette Islands Reserve, or a tribally designated  
13 housing entity. Ownership of housing units and real  
14 property may be transferred between such entities.

15 (d) OCCUPANCY OF HOUSING UNITS.—

16 (1) IN GENERAL.—Except as provided under  
17 paragraphs (2) and (3), each housing unit con-  
18 structed, purchased, rehabilitated, or leased with  
19 grant or loan funds under this Act, or with respect  
20 to which funds awarded under this Act have been  
21 expended, shall be provided to teachers, administra-  
22 tors, other school staff, and members of their house-  
23 holds.

24 (2) NON-SESSION MONTHS.—A housing unit  
25 constructed, purchased, rehabilitated, or leased with



1 grant or loan funds under this Act, or with respect  
 2 to which funds awarded under this Act have been  
 3 expended, may be occupied by individuals other than  
 4 teachers, administrators, other school staff, or mem-  
 5 bers of their household, only during those times in  
 6 which school is not in session.

7 (3) TEMPORARY OCCUPANTS.—A vacant hous-  
 8 ing unit constructed, purchased, rehabilitated, or  
 9 leased with grant or loan funds under this Act, or  
 10 with respect to which funds awarded under this Act  
 11 have been expended, may be occupied by a con-  
 12 tractor or guest of an eligible school district for a  
 13 maximum period of time, to be determined by the  
 14 Alaska Housing Finance Corporation.

15 (c) COMPLIANCE WITH LAW.—Each eligible school  
 16 district receiving a grant or loan under this Act shall en-  
 17 sure that all housing units constructed, purchased, reha-  
 18 bilitated, or leased with such grant or loan funds, or with  
 19 respect to which funds awarded under this Act have been  
 20 expended, meet all applicable laws, regulations, and ordi-  
 21 nances.

22 (f) PROGRAM POLICIES.—

23 (1) IN GENERAL.—The Alaska Housing Fi-  
 24 nance Corporation, after consulting with eligible  
 25 school districts, shall establish policies governing the

1 administration of grant and loan funds made avail-  
2 able under this Act. Such policies shall include a  
3 methodology for ensuring that funds provided under  
4 this Act are made available on an equitable basis to  
5 eligible school districts.

6 (2) REVISIONS.—Not less than every 3 years,  
7 the Alaska Housing Finance Corporation shall, in  
8 consultation with eligible school districts, consider  
9 revisions to the policies established under paragraph  
10 (1).

11 **SEC. 5. REGULATIONS.**

12 Not later than 1 year after the date of enactment  
13 of this Act, the Secretary shall promulgate such regula-  
14 tions as are necessary to carry out this Act.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-  
17 priated to the Department of Housing and Urban Devel-  
18 opment such sums as are necessary for each of the fiscal  
19 years 2005 through 2014, to carry out this Act.

20 (b) LIMITATION.—The Secretary and the Alaska  
21 Housing Finance Corporation shall each use not more  
22 than 5 percent of the funds appropriated in any fiscal year  
23 to carry out this Act for administrative expenses associ-  
24 ated with the implementation of this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Rural Teacher Housing*  
3 *Act of 2004”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 *(a) FINDINGS.—Congress finds that—*

6 *(1) housing for teachers, administrators, other*  
7 *school staff, and their households in remote and rural*  
8 *areas of Alaska is often substandard, if available at*  
9 *all;*

10 *(2) as a consequence, teachers, administrators,*  
11 *other school staff, and their households are often*  
12 *forced to find alternate shelter, sometimes even in*  
13 *school buildings; and*

14 *(3) rural school districts in Alaska are facing in-*  
15 *creased challenges, including meeting the mandates of*  
16 *the No Child Left Behind Act, in recruiting employees*  
17 *due to the lack of affordable, quality housing.*

18 *(b) PURPOSE.—The purpose of this Act is to provide*  
19 *habitable living quarters for teachers, administrators, other*  
20 *school staff, and their households in rural areas of Alaska*  
21 *located in or near Alaska Native Villages.*

22 **SEC. 3. DEFINITIONS.**

23 *In this Act, the following definitions shall apply:*

24 *(1) ALASKA HOUSING FINANCE CORPORATION.—*  
25 *The term “Alaska Housing Finance Corporation”*  
26 *means the State housing authority for the State of*

1 *Alaska, created under the laws of the State of Alaska,*  
2 *or any successor thereto.*

3 (2) *ELEMENTARY SCHOOL.*—*The term “elemen-*  
4 *tary school” has the meaning given that term in sec-*  
5 *tion 9101 of the Elementary and Secondary Edu-*  
6 *cation Act of 1965 (20 U.S.C. 7801).*

7 (3) *ELIGIBLE SCHOOL DISTRICT.*—*The term “eli-*  
8 *gible school district” means a public school district*  
9 *(as defined under the laws of the State of Alaska) lo-*  
10 *cated in the State of Alaska that operates one or more*  
11 *schools in a qualified community.*

12 (4) *NATIVE VILLAGE.*—*The term “Native Vil-*  
13 *lage”—*

14 (A) *has the meaning given that term in sec-*  
15 *tion 3 of the Alaska Native Claims Settlement*  
16 *Act (43 U.S.C 1602); and*

17 (B) *includes the Metlakatla Indian Commu-*  
18 *nity of the Annette Islands Reserve.*

19 (5) *OTHER SCHOOL STAFF.*—*The term “other*  
20 *school staff” means pupil services personnel, librar-*  
21 *ians, career guidance and counseling personnel, edu-*  
22 *cation aides, and other instructional and administra-*  
23 *tive school personnel.*

24 (6) *QUALIFIED COMMUNITY.*—

1           (A) *IN GENERAL.*—*The term “qualified*  
 2 *community” means a home rule or general law*  
 3 *city incorporated under the laws of the State of*  
 4 *Alaska, or an unincorporated community (as de-*  
 5 *finied under the laws of the State of Alaska) in*  
 6 *the State of Alaska situated outside the limits of*  
 7 *such a city, with respect to which, the Alaska*  
 8 *Housing Finance Corporation has determined*  
 9 *that the city or unincorporated community—*

10                   (i) *has a population of 6,500 or fewer*  
 11 *individuals;*

12                   (ii) *is situated within or near a Native*  
 13 *Village, as determined by the Alaska Hous-*  
 14 *ing Finance Corporation; and*

15                   (iii) *is not connected by road or rail-*  
 16 *road to the municipality of Anchorage,*  
 17 *Alaska.*

18           (B) *CONNECTED BY ROAD.*—*In this para-*  
 19 *graph, the term “connected by road” does not in-*  
 20 *clude a connection by way of the Alaska Marine*  
 21 *Highway System, created under the laws of the*  
 22 *State of Alaska, or a connection that requires*  
 23 *travel by road through Canada.*

24           (7) *SECONDARY SCHOOL.*—*The term “secondary*  
 25 *school” has the meaning given that term in section*

1        *9101 of the Elementary and Secondary Education*  
 2        *Act of 1965 (20 U.S.C. 7801).*

3            (8) *SECRETARY.*—*The term “Secretary” means*  
 4        *the Secretary of Agriculture.*

5            (9) *TEACHER.*—*The term “teacher” means an*  
 6        *individual who is employed as a teacher in a public*  
 7        *elementary or secondary school, and meets the teach-*  
 8        *ing certification or licensure requirements of the State*  
 9        *of Alaska.*

10           (10) *TRIBALLY DESIGNATED HOUSING ENTITY.*—  
 11        *The term “tribally designated housing entity” has the*  
 12        *meaning given that term in section 4 of the Native*  
 13        *American Housing Assistance and Self-Determination*  
 14        *Act of 1996 (25 U.S.C. 4103).*

15           (11) *VILLAGE CORPORATION.*—*The term “Village*  
 16        *Corporation” has the meaning given that term in sec-*  
 17        *tion 3 of the Alaska Native Claims Settlement Act (43*  
 18        *U.S.C. 1602), and includes urban and group corpora-*  
 19        *tions, as defined in that section.*

20        **SEC. 4. RURAL TEACHER HOUSING PROGRAM.**

21           (a) *GRANTS AND LOANS AUTHORIZED.*—*The Secretary*  
 22        *shall provide funds to the Alaska Housing Finance Cor-*  
 23        *poration in accordance with the regulations promulgated*  
 24        *under section 5, to be used as provided under subsection*  
 25        *(b).*

1       **(b) USE OF FUNDS.—**

2               **(1) IN GENERAL.—***Funds received pursuant to*  
3 *subsection (a) shall be used by the Alaska Housing*  
4 *Finance Corporation to make grants or loans to eligi-*  
5 *ble school districts, to be used as provided in para-*  
6 *graph (2).*

7               **(2) USE OF FUNDS BY ELIGIBLE SCHOOL DIS-**  
8 **TRICTS.—***Grants or loans received by an eligible*  
9 *school district pursuant to paragraph (1) shall be*  
10 *used for—*

11                       **(A)** *the construction of new housing units*  
12 *within a qualified community;*

13                       **(B)** *the purchase and rehabilitation of exist-*  
14 *ing structures to be used as housing units within*  
15 *a qualified community;*

16                       **(C)** *the rehabilitation of housing units with-*  
17 *in a qualified community;*

18                       **(D)** *the leasing of housing units within a*  
19 *qualified community;*

20                       **(E)** *purchasing or leasing real property on*  
21 *which housing units will be constructed, pur-*  
22 *chased, or rehabilitated within a qualified com-*  
23 *munity;*

24                       **(F)** *the repayment of a loan used for the*  
25 *purposes of constructing, purchasing, or rehabili-*

1            *tating housing units, or for purchasing real*  
2            *property on which housing units will be con-*  
3            *structed, purchased, or rehabilitated, within a*  
4            *qualified community, or any activity under sub-*  
5            *paragraph (G);*

6            *(G) any other activities normally associated*  
7            *with the construction, purchase, or rehabilitation*  
8            *of housing units within a qualified community,*  
9            *including—*

10            *(i) connecting housing units to various*  
11            *utilities;*

12            *(ii) preparation of construction sites;*

13            *(iii) transporting all equipment and*  
14            *materials necessary for the construction or*  
15            *rehabilitation of housing units to and from*  
16            *the site on which such housing units exist or*  
17            *will be constructed; and*

18            *(iv) environmental assessment and re-*  
19            *mediation of construction sites or sites*  
20            *where housing units exist; and*

21            *(H) the funding of any remaining costs for*  
22            *the construction, purchase, or rehabilitation of*  
23            *housing units within a qualified community, the*  
24            *purchase of real property within a qualified*  
25            *community, or any activity listed under sub-*



1           *paragraph (G) that is not financed by loans or*  
2           *other sources of funding.*

3           (c) *OWNERSHIP OF HOUSING AND LAND.—*

4           (1) *IN GENERAL.—All housing units constructed,*  
5           *purchased, or rehabilitated, or real property pur-*  
6           *chased, with grant or loan funds provided under this*  
7           *Act, or with respect to which funds under this Act*  
8           *have been expended, shall be owned by the relevant el-*  
9           *igible school district, municipality (as defined under*  
10           *the laws of the State of Alaska), Village Corporation,*  
11           *the Metlakatla Indian Community of the Annette Is-*  
12           *lands Reserve, or a tribally designated housing entity.*  
13           *Ownership of housing units and real property may be*  
14           *transferred between such entities.*

15           (d) *OCCUPANCY OF HOUSING UNITS.—*

16           (1) *IN GENERAL.—Except as provided under*  
17           *paragraphs (2) and (3), each housing unit con-*  
18           *structed, purchased, rehabilitated, or leased with*  
19           *grant or loan funds under this Act, or with respect*  
20           *to which funds awarded under this Act have been ex-*  
21           *pended, shall be provided to teachers, administrators,*  
22           *other school staff, and members of their households.*

23           (2) *NON-SESSION MONTHS.—A housing unit con-*  
24           *structed, purchased, rehabilitated, or leased with*  
25           *grant or loan funds under this Act, or with respect*

1       to which funds awarded under this Act have been ex-  
2       pended, may be occupied by individuals other than  
3       teachers, administrators, other school staff, or mem-  
4       bers of their household, only during those times in  
5       which school is not in session.

6               (3) *TEMPORARY OCCUPANTS.*—A vacant housing  
7       unit constructed, purchased, rehabilitated, or leased  
8       with grant or loan funds under this Act, or with re-  
9       spect to which funds awarded under this Act have  
10      been expended, may be occupied by a contractor or  
11      guest of an eligible school district for a maximum pe-  
12      riod of time, to be determined by the Alaska Housing  
13      Finance Corporation.

14              (e) *COMPLIANCE WITH LAW.*—Each eligible school dis-  
15      trict receiving a grant or loan under this Act shall ensure  
16      that all housing units constructed, purchased, rehabilitated,  
17      or leased with such grant or loan funds, or with respect  
18      to which funds awarded under this Act have been expended,  
19      meet all applicable laws, regulations, and ordinances.

20              (f) *PROGRAM POLICIES.*—

21                      (1) *IN GENERAL.*—The Alaska Housing Finance  
22      Corporation, after consulting with eligible school dis-  
23      tricts, shall establish policies governing the adminis-  
24      tration of grant and loan funds made available under  
25      this Act. Such policies shall include a methodology for

1       *ensuring that funds provided under this Act are made*  
2       *available on an equitable basis to eligible school dis-*  
3       *tricts.*

4               (2) *REVISIONS.*—*Not less than every 3 years, the*  
5       *Alaska Housing Finance Corporation shall, in con-*  
6       *sultation with eligible school districts, consider revi-*  
7       *sions to the policies established under paragraph (1).*

8       **SEC. 5. REGULATIONS.**

9       *Not later than 1 year after the date of enactment of*  
10       *this Act, the Secretary shall promulgate such regulations*  
11       *as are necessary to carry out this Act.*

12       **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13               (a) *IN GENERAL.*—*There are authorized to be appro-*  
14       *priated to the Department of Agriculture to carry out this*  
15       *Act such sums as are necessary for fiscal years 2006 through*  
16       *2015.*

17               (b) *LIMITATION.*—*The Secretary and the Alaska Hous-*  
18       *ing Finance Corporation shall each use not more than 5*  
19       *percent of the funds appropriated in any fiscal year to*  
20       *carry out this Act for administrative expenses associated*  
21       *with the implementation of this Act.*

Calendar No. 806

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1905**

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## **A BILL**

To provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

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NOVEMBER 17, 2004

Reported with an amendment