

PROVIDING FOR THE CONVEYANCE OF CERTAIN PROP-
ERTY FROM THE UNITED STATES TO THE MANIILAQ
ASSOCIATION LOCATED IN KOTZEBUE, ALASKA

DECEMBER 8, 2011.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 443]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE OF PROPERTY.

(a) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) **CONDITIONS.**—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–11(c)(2)(B)).

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—Re-plat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recording in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) KOTZEBUE QUARTERS AKA NANA SITE.—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal law, on any property described in section 2 as of the date of the conveyance.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

PURPOSE OF THE BILL

The purpose of H.R. 443, as ordered reported, is to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 443 transfers 14.6 acres of federal land and appurtenances to the Maniilaq Association, in Kotzebue, Alaska, for use in connection with health care and social services facilities operated by the Association.

The Maniilaq Association is a non-profit corporation that provides a range of health care and social services for the benefit of rural residents in remote northwest Alaska under the self governance provisions of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*). Under this arrangement, Maniilaq is basically a contractor for the Indian Health Service, a unit of the Department of Health and Human Services responsible for providing health care benefits to Native Americans.

H.R. 443 requires the Secretary of Health and Human Services to transfer by warranty deed three parcels of land (totaling 14.6 acres) and appurtenances to Maniilaq. One parcel is the site of the existing health care facility, and the other two will host future expansion of related facilities including employee housing.

The subject lands have already been conveyed by the Secretary to Maniilaq through a quit claim deed; however, this method of transferring land does not guarantee clear title that a warranty deed provides. Moreover, Maniilaq argues that under its Indian Self-Determination contracts with the Indian Health Service, transfer of government land using a quit claim deed creates certain obstacles on the Association's use and management of the property.

Under H.R. 443, the Indian Health Service properties are conveyed to Maniilaq without consideration. Property valued at more

than \$5000 reverts to the United States if the contract through which Maniilaq provides health services is withdrawn or re-assumed by the Secretary.

The legislation also: provides that Maniilaq shall not be liable for costs relating to contamination or pollution on the properties as of the date of the conveyance; permits the Secretary to reserve easements on the land for retained federal obligations and liability; and requires the Secretary to comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

COMMITTEE ACTION

H.R. 443 was introduced on January 25, 2011, by Congressman Don Young (R-AK). The bill was referred primarily to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. The bill was also referred to the Committee on Energy and Commerce. On September 22, 2011, the Subcommittee on Indian and Alaska Native Affairs held a hearing on the bill. On October 5, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. Congressman Don Young (R-AK) offered an amendment to make technical changes to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 443—A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska

H.R. 443 would convey three Indian Health Service (IHS) properties in Kotzebue, Alaska, to the Maniilaq Association, a tribal nonprofit organization. Based on information from the IHS, CBO estimates that the conveyances would not have a significant impact

on the federal budget. According to the agency, it does not currently receive any lease payments or other receipts from the properties. Enacting H.R. 443 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 443 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by 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, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information from the Indian Health Service, CBO estimates that the conveyances provided for in the bill would not have a significant impact on the federal budget. According to the agency, it does not currently receive any lease payments or other receipts from the properties. Enacting H.R. 443 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

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December 7, 2011

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Hastings:

I am writing concerning H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, which was ordered reported out of your Committee on October 5, 2011. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 443 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 443, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during consideration of the bill on the House floor.

Sincerely,



Fred Upton
Chairman

cc: The Honorable John Boehner
The Honorable Henry A. Waxman
The Honorable Edward J. Markey
Mr. John Sullivan, Parliamentarian

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December 7, 2011

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The Honorable Fred Upton
 Chairman
 Committee on Energy and Commerce
 2125 Rayburn HOB
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 443, to provide for the conveyance of certain property from the United States to the Manillaq Association located in Kotzebue, Alaska. As you know, the Committee on Natural Resources ordered the bill reported by unanimous consent on October 5, 2011. The Committee on Natural Resources is interested in bringing this legislation before the House of Representatives, and accordingly, appreciates that the Committee on Energy and Commerce will forego action on the bill.

The Committee on Natural Resources concurs that by foregoing consideration of H.R. 443 at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

 Doc Hastings
 Chairman

