

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM LAND
TRANSFER ACT

OCTOBER 22, 2013.—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. 623]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 623) to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, 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. SHORT TITLE.

This Act may be cited as the “Alaska Native Tribal Health Consortium Land Transfer Act”.

SEC. 2. CONVEYANCE OF PROPERTY.

(a) DEFINITIONS.—In this section:

(1) ANTHC.—The term “ANTHC” means the Alaska Native Tribal Health Consortium.

(2) PROPERTY.—The term “property” means the property described in subsection (d).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, but not later than 90 days after that date, the Secretary shall convey to ANTHC all right, title, and interest of the United States in and to the property for use in connection with health and related 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 any quitclaim deed to the property described in subsection (d) executed by the Secretary and ANTHC.

(c) CONDITIONS.—The conveyance of the property under this Act—

(1) shall be made by warranty deed;

(2) shall not require any consideration from ANTHC for the property;

(3) shall not impose any obligation, term, or condition on ANTHC; and

(4) shall not allow for any reversionary interest of the United States in the property.

(d) DESCRIPTION OF PROPERTY.—The property (including all improvements thereon and appurtenances thereto) to be conveyed under this Act is described as follows: Tract A-3A, Tudor Centre, according to plat no. 2013-43, recorded on June 20, 2013 in Anchorage recording district, Alaska.

(e) ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, ANTHC 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 product, any hazardous substance, hazardous material, hazardous waste, pollutant, toxic substance, solid waste, or any other environmental contamination or hazard as defined in any Federal or State law, on the property on or before the date on which the property was conveyed by quitclaim deed.

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

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

PURPOSE OF THE BILL

The purpose of H.R. 623 is to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 623 transfers by warranty deed and without consideration a 2.79 acre parcel of federal land located in Anchorage, Alaska, from the Indian Health Service (IHS) to the Alaska Native Tribal Health Consortium (ANTHC or Consortium). On May 16, 2013, the Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 623. Following the hearing, the IHS administratively conveyed the land to ANTHC by quitclaim deed. It is nonetheless important to enact H.R. 623 because transferring the land by warranty deed provides ANTHC with cleaner title to the property than if it was transferred by quitclaim deed.

The subject land has been used for parking to accommodate nearby facilities run by ANTHC and the IHS. The ANTHC plans to use the land to construct a patient housing facility, which would allow the consortium to greatly expand its capacity to offer health services to patients who live outside Anchorage.

Established by an act of Congress, the ANTHC is a non-profit corporation that is headquartered in Anchorage providing tribal healthcare services to thousands of patients in the south central Alaska region under contracts with the IHS. Many of its critical inpatient services are unavailable to Natives living in Alaska's bush areas (i.e., rural areas typically unconnected to Alaska's highway system). Pursuant to contracts with IHS, ANTHC operates the Alaska Native Medical Center, which is the main tertiary health care provider in the state for all Alaska Native people. When it was created, ANTHC obtained certain federal land to meet its operational needs while other parcels used by the Consortium remained under federal ownership.

The federal land transfer authorized under H.R. 623 would allow the Consortium to adapt to the evolving needs of its patient base.

Many patients from rural areas must travel long distances to reach the medical center and they are often unable to house themselves during their stay in Anchorage. Expanding patient housing on the lands transferred under the bill will allow ANTHC to maximize care by locating patients near the medical center's resources and reducing transportation costs. The land conveyance will also bolster ANTHC's ability to provide more regular and comprehensive treatment for individuals who lack healthcare options in their home communities.

As H.R. 623 was being developed, ANTHC coordinated with IHS to transfer administrative control of the parcel and on June 20, 2013, the agency transferred the 2.79 acre parcel by quitclaim deed. Transferring land by quitclaim deed, however, does not guarantee clear title that a warranty deed provides; according to ANTHC, relying on a quitclaim deed to complete the land transfer could create certain obstacles to ANTHC's future use of the property.

A similar bill, H.R. 443 (Young of Alaska), to transfer IHS property by warranty deed to the Maniilaq Association, a Native non-profit serving Native patients in Northwest Alaska, became Public Law 112-263 on January 14, 2013.

During Full Committee markup of H.R. 623, the Committee adopted an en bloc amendment offered by Indian and Alaska Native Affairs Subcommittee Chairman Don Young (R-AK). The en bloc amendment resolves several concerns the IHS raised in the Subcommittee hearing on H.R. 623. Specifically, the amendment gives the Secretary of Health and Human Services more time in which to convey the 2.79 acre property by warranty deed (90 days as opposed to 30 days), it clarifies and corrects the legal description of the property, and it clarifies that ANTHC shall not be liable for any environmental contamination on or before the date the property was administratively transferred from the federal government by quitclaim deed (i.e., June 20, 2013).

COMMITTEE ACTION

H.R. 623 was introduced on February 12, 2013, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. In addition, the bill was also referred to the Committee on Energy and Commerce. On May 16, 2013, the Subcommittee held a hearing on the bill. On July 31, 2013, the full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. Congressman Young offered an en bloc amendment to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was then adopted and 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. 623—Alaska Native Tribal Health Consortium Land Transfer Act

H.R. 623 would authorize the Secretary of Health and Human Services (HHS) to convey a specified 2.79 acre parcel of federal land in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium (ANTHC). The conveyance of the property would be made by a warranty deed, which is a type of deed that provides that the grantor (the United States) has a good title free and clear of all liens and encumbrances and that the grantor promises to defend the title to the property against all persons claiming the property. The ANTHC currently operates a 150-bed hospital on the property known as the Alaska Native Medical Center.

The Indian Self-Determination and Education Act allows Indian tribal entities to assume responsibility for the provision of health care services funded by the Indian Health Service (IHS), the agency within HHS responsible for providing health care to American Indians and Alaska Natives. The ANTHC operates the Alaska Native Medical Center under the authority of that act. According to IHS, IHS already conveyed this specified land to the ANTHC through a quitclaim deed, a type of deed used to release one person's or entity's right, title, or interest to another without providing a guarantee or warranty of title. Though a warranty deed represents a more complete conveyance of property than a quitclaim deed, no additional cost is associated with a warranty deed compared to a quitclaim deed. Therefore, CBO estimates that enacting H.R. 623 would have no significant impact on the federal budget and would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 623 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the ANTHC by changing the method of transferring the property to the consortium. Any costs to the consortium would be incurred voluntarily.

The CBO staff contacts for this estimate are Robert Stewart (for federal costs) and Lisa Ramirez-Branum (for intergovernmental effects). The estimate was approved by Holly Harvey, 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 Representa-

tives 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. CBO estimates that enacting H.R. 623 would have no significant impact on the federal budget and 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 is to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

LETTER EXCHANGE

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October 1, 2013

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

Dear Chairman Hastings,

I write concerning H.R. 623, Alaska Native Tribal Health Consortium Land Transfer Act, which was ordered to be reported out of your Committee on July 31, 2013. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 623 so that it may proceed expeditiously to the House floor for consideration.

This is 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, and ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during consideration of H.R. 623 on the House floor.

Sincerely,


Fred Upton
Chairman

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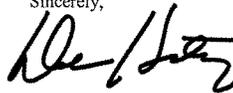
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 623, the Alaska Native Tribal Health Consortium Land Transfer Act. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on July 31, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 623 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 in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,



Doc Hastings
 Chairman

cc: The Honorable John A. Boehner, Speaker
 The Honorable Peter A. DeFazio
 The Honorable Henry A. Waxman
 The Honorable Thomas J. Wickham, Parliamentarian

<http://naturalresources.house.gov>

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

October 10, 2013

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