

Calendar No. 650

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-362

A BILL TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE TANANA TRIBAL COUNCIL LOCATED IN TANANA, ALASKA, AND TO THE BRISTOL BAY AREA HEALTH CORPORATION LOCATED IN DILLINGHAM, ALASKA, AND FOR OTHER PURPOSES

SEPTEMBER 27, 2016.—Ordered to be printed

Mr. BARRASSO, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2421]

The Committee on Indian Affairs, to which was referred the bill (S. 2421) to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The bill, S. 2421, would direct the Secretary of the U.S. Department of Health and Human Services to convey certain properties to the Tanana Tribal Council, located in Tanana, Alaska, and the Bristol Bay Area Health Corporation, located in Dillingham, Alaska. The property transfer authorized by this bill would enable the Tanana Tribal Council and the Bristol Bay Area Health Corporation to expand and construct new health care facilities on the properties to provide improved health services to their respective rural service populations.

BACKGROUND

The Tanana Tribal Council (TTC) is the governing body to 1,460 tribal members. The village of Tanana is predominantly an Alaska Native rural community. The village of Tanana is only accessible by small plane or boat and, during the winter, by snow machine. Residents must often travel to larger hub communities, such as Fairbanks or Anchorage, for medical services. Traveling to the larger hub communities is very costly and prohibits residents from re-

ceiving vital health care if a severe illness or injury occurred and required a medical evacuation.

The land described in and to be transferred by S. 2421 is the site of a former Indian Health Service (IHS) hospital that has since been removed from the land. The original plot of land encompassed 20.56 acres. Under the *Alaska Native Land Claims Settlement Act* (ANCSA), 9.31 acres were transferred to Tozitna, Limited, which is the village of Tanana's corporation. The remaining 11.25 acres is the land to be conveyed to TTC under this bill.

The Bristol Bay Area Health Corporation (BBAHC) was incorporated in 1973. The BBAHC began managing and operating the Kanakanak Hospital and the IHS Bristol Bay Service Unit in 1980, becoming the first tribal organization to do so under the *Indian Self-Determination and Education Assistance Act* (Public Law 93-638). In 1994, the BBAHC became an original party to the Alaska Tribal Health Compact (Title III of Public Law 93-638), a government-to-government agreement with the United States. This agreement allowed for the BBAHC to exercise greater control over health care services to American Indian and Alaska Natives.

NEED FOR LEGISLATION

The TTC intends to use the land in Tanana, Alaska as a location for a future health clinic, a family wellness center, and an after care treatment facility. The TTC is also considering expanding their elder care and developing nursing home services on the land that would be transferred under S. 2421.

The BBAHC intends to use the land to build a free-standing dental facility. The new dental facility will be much larger than the current dental clinic located within the Kanakanak Hospital Compound in Dillingham. The BBAHC will be able to provide more dental services to the service population of 8,000. The Kanakanak Health Compound is able to provide health care services to many surrounding communities in the south-west region of Alaska.

The IHS issued a quitclaim deed to the BBAHC. Under S. 2421, the land would be conveyed to BBAHC through a warranty deed that would supersede any existing quitclaim deed. This would allow the BBAHC to have more control over the land and more opportunities for financing and remove any reversionary interest from the IHS.

LEGISLATIVE HISTORY

On December 17, 2015, Senator Murkowski with Senator Sullivan introduced S. 2421, *A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes*. The Committee held a legislative hearing on April 13, 2016. The Committee held a duly called business meeting on April 27, 2016, to consider S. 2421. The Committee ordered the bill to be reported favorably without amendment.

The bill, S. 2421, is similar to three other bills that were passed by the Committee and signed into law in 2013 and 2015.¹

¹ See, A bill to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, Pub. L. No. 114-56 (2015); *Alaska Native Tribal Health*

The House companion bill, H.R. 4289, *To provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes*, was introduced by Representative Don Young on December 17, 2015. The bill, H.R. 4289, was referred to the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives on December 17, 2015. On December 18, 2015, the bill was referred to the Subcommittee on Environment and the Economy of the Committee on Energy and Commerce of the House of Representatives.

On December 22, 2015, the bill was referred to the Subcommittee on Indian, Insular, Alaska Native Affairs of the Committee on Natural Resources of the House of Representatives. On May 18, 2016, the Subcommittee on Indian, Insular, and Alaska Native Affairs held a legislative hearing on the bill.

SECTION-BY-SECTION ANALYSIS

Section 1. Conveyance of property to the Tanana Tribal Council

This section directs the Secretary of Health and Human Services (Secretary) to transfer all right, title, and interest of 11.25 acres in the village of Tanana, Alaska to the Tanana Tribal Council (TTC) within 180 days of enactment of S. 2421.

Effects on any quitclaim deed. The conveyance of this warranty deed shall supersede and render of no future effect any quitclaim deed to the property.

Conditions. This section provides that the Secretary convey the land by warranty deed and shall not require any consideration from the TTC, impose any obligation, term, or condition to the TTC, or allow for any reversionary interest of the United States in the property.

Environmental Liability. This section provides that the TTC shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property on or before the date on which the property is conveyed to the TTC. An environmental contamination includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

Easement. The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

This section also provides that 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 (CERCLA) on the property described.

Consortium Land Transfer Act, Pub. L. No. 113-68 (2013); To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, Pub. L. No. 112-263 (2013).

Sec. 2. Conveyance of property to the Bristol Bay Area Health Corporation

This section directs the Secretary to transfer all right, title, and interest of 1.474 acres in the Bristol Bay Recording District in Dillingham, Alaska to the Bristol Bay Area Health Corporation (BBAHC) within 180 days of enactment of the Act.

Effects on any quitclaim deed. The conveyance of this warranty deed shall supersede and render of no future effect any quitclaim deed to the property.

Conditions. This section provides that the Secretary convey the land by warranty deed and shall not require any consideration from the BBAHC, impose any obligation, term, or conditions to the BBAHC, or allow for any reversionary interest of the United States in the property.

Environmental Liability. The Act provides that the BBAHC shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property on or before the date on which the property is conveyed to the BBAHC. An environmental contamination includes any soil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

Easement. The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

This section also provides that the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the CERCLA on the property described.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated June 28, 2016, was prepared for S. 2421:

JUNE 28, 2016.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2421, a bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Stewart.

Sincerely,

KEITH HALL.

S. 2421—A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes

S. 2421 would authorize the Secretary of Health and Human Services (HHS) to convey one parcel of land in Tanana, Alaska, to the Tanana Tribal Council (TTC) and another parcel in Dillingham, Alaska, to the Bristol Bay Area Health Corporation (BBAHC). The conveyances would be made by a warranty deed, which is a type of deed that guarantees a clear title to the new owner of the property.

The Indian Self-Determination and Education Act allows tribal entities to assume responsibility for providing health care services funded by the Indian Health Service (IHS). The TTC, the governing body for 1,460 tribal members and the village of Tanana, Alaska, plans to build a community wellness center under the authority of that act on the parcel of land that would be transferred to them under this bill. The BBAHC, which has been managing and operating the Kanakanak Hospital and the Bristol Bay Service Unit for the IHS since 1980, plans to build a free-standing dental clinic on the other parcel that would be transferred under this bill. According to IHS, the TTC and BBAHC currently do not pay rent or any other remuneration to IHS for the use of these parcels. Consequently, CBO estimates that enacting S. 2421 would not have a significant effect on the federal budget.

Because enacting S. 2421 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in one or more of the four consecutive 10-year periods beginning in 2027.

S. 2421 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Robert Stewart. The estimate was approved by Holly Harvey, Deputy Assistant Director for Budget Analysis.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2421 will have minimal impact of regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2421.

CHANGES IN EXISTING LAW

In accordance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the bill, S. 2421, as ordered reported, would make no changes in existing law.