

Calendar No. 78

114TH CONGRESS } 1st Session }	SENATE	{ REPORT 114-38
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PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE YUKON KUSKOKWIM HEALTH CORPORATION LOCATED IN BETHEL, ALASKA

MAY 11, 2015.—Ordered to be printed

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

R E P O R T

[To accompany S. 230]

The Committee on Indian Affairs, to which was referred the bill (S. 230) to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 230, as ordered reported, is to provide for the conveyance by warranty deed of certain property located in Bethel, Alaska, from the United States to the Yukon Kuskokwim Health Corporation.

BACKGROUND AND HISTORY

The Yukon Kuskokwim Health Corporation (Corporation) administers a comprehensive health care delivery system for 58 rural communities in the southwest region of Alaska.¹ The Corporation includes community clinics, sub-regional clinics, a regional hospital, dental services, mental health services, substance abuse counseling and treatment, health promotion and disease prevention programs, and environmental health services.² The Corporation, as authorized by the 58 Alaska Native tribes in the region, has compacted with the Indian Health Service to operate a hospital and other services

¹Yukon Kuskokwim Health Corporation, *About YKHC*, <http://www.ykhc.org/about-ykhc/> (last visited Mar. 9, 2015).

²*Id.*

in the region pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA).³

The bill, S. 230, would direct the Secretary of the Department of Health and Human Services (Secretary) to convey certain property to the Corporation located in Bethel, Alaska. The property would continue to be used for health and social services programs. The hospital building and approximately 23 acres of land belong to the Indian Health Service, but are maintained by the Corporation.

The Corporation must significantly expand its health care facilities, including the renovation of a 30-plus-year-old hospital, to meet present and future needs of residents in the region. To finance the costs of expansion and renovation, the Corporation must demonstrate evidence of sufficient site control to secure the project with any financial partners. To secure the site, the Corporation must own or control the land. The conveyance of land in S. 230 is intended to address the Corporation's need to secure the site.

Additionally, the bill would shield the Corporation from liability for any environmental contaminations on the conveyed property. The Secretary would also be accorded any easement to the conveyed property as may be reasonably necessary to satisfy any obligation or liability of the Secretary. The bill would require the Secretary to comply with a section of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.⁴

LEGISLATIVE HISTORY

The bill, S. 230, was introduced on January 21, 2015, by Senator Murkowski. On April 16, 2015, Senator Sullivan was added as a co-sponsor. The bill was referred to the Senate Committee on Indian Affairs (Committee). No hearing was held on the bill. On February 25, 2015, the Committee held a business meeting to consider this legislation. The Committee ordered S. 230 to be reported without amendment favorably by voice vote.

The House companion bill is H.R. 521, which was introduced by Representative Don Young. There are no co-sponsors. The House bill, H.R. 521, was referred to both the Committee on Natural Resources and the Committee on Energy and Commerce. Each committee referred the bill to their respective subcommittees, the Subcommittee on Indian, Insular and Alaska Native Affairs and the Subcommittee on Environment and the Economy. On April 14, 2015, the Subcommittee on Indian, Insular, and Alaska Native Affairs held a hearing on the bill.

Related Prior Bill—Alaska Native Tribal Health Consortium. In the 113th Congress, Senators Murkowski and Begich introduced S. 235, a bill similar to S. 230. Under this bill, S. 235, a similar property transfer in Alaska was authorized for the Alaska Native Tribal Health Consortium.

This property transfer and purposes (also similar in nature) were examined by the Committee on July 31, 2013 during a legislative hearing held on the bill, S. 235. On October 30, 2013, the Committee ordered that bill to be reported with an amendment in the nature of a substitute favorably by voice vote. No further action was taken on this bill.

³Indian Self Determination and Education Assistance Act, Pub. L. No. 93-638 (1975).

⁴Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9620(h)(3)(A) (1980).

However, on October 30, 2013, the Senate received H.R. 623, the House companion bill to S. 235, which was referred to the Committee on Indian Affairs. On December 20, 2013, the Committee discharged H.R. 623 by unanimous consent. The Senate passed H.R. 623 without amendment by unanimous consent. On December 26, 2013, the bill became Pub. L. No. 113–68.⁵

Related Prior Bill—Maniilaq Association. During the 112th Congress, Senators Murkowski and Begich introduced S. 1898, a bill transferring property in Alaska to the Maniilaq Association, also similar in purpose to S. 230. On March 22, 2012, the Committee on Indian Affairs held a hearing on the bill. No further action was taken on this bill.

On December 15, 2011, the Senate received H.R. 443, the House companion bill to S. 1898, which was referred to the Committee on Indian Affairs. On June 28, 2012, the Committee ordered the bill to be reported without amendment favorably by voice vote. On December 20, 2012, the bill passed the Senate with an amendment by unanimous consent. On January 1, 2013, the House agreed to the Senate amendment and passed the bill, as amended. On January 14, 2013, the bill became Pub. L. No. 112–263.⁶

SECTION BY SECTION ANALYSIS OF S. 230

Section 1—Conveyance of property

Section 1 would direct the Secretary of Health and Human Services, not later than 180 days after the enactment of the act, to convey by warranty deed certain property described in Section 2 to the Yukon Kuskokwim Health Corporation for use in connection with health and social services programs.

It further provides that the Secretary's conveyance of title to the property shall supersede and render of no future effect any quitclaim deed concerning the same property executed by the Secretary and the Yukon Kuskokwim Health Corporation.

Section 1 also provides that the conveyance of the property by warranty deed shall be made without consideration, and without imposing any obligation, term, or condition on the Yukon Kuskokwim Health Corporation. It also provides that the United States shall not retain any reversionary interest in the property.

Section 2—Property described

This section provides the legal description of the property to be conveyed to the Yukon Kuskokwim Health Corporation pursuant to Section 1.

Section 3—Environmental liability

This section provides that, notwithstanding any other provision of Federal law, as of the date of the conveyance, the Yukon Kuskokwim Health Corporation shall not be liable for any soil, surface, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any

⁵ See, *Alaska Native Tribal Health Consortium Land Transfer Act*, Pub. L. No. 113–68 (2013).

⁶ See, *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).

other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in Section 2.

This section grants the Secretary any “reasonably necessary” easement or access to the conveyed property in order to satisfy any retained obligations or liability of the United States.

This section also provides that 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)).

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated March 13, 2015, was prepared for S. 230:

MARCH 13, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 230, a bill to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation in Bethel, Alaska.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 230—A bill to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska

S. 230 would authorize the Secretary of Health and Human Services (HHS) to convey a specified 23-acre parcel of federal land in Bethel, Alaska, from the United States to the Yukon Kuskokwim Health Corporation (YKHC). 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 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 YKHC, a nonprofit tribal organization that administers health care services for 58 tribal communities in Alaska, operates a hospital under the authority of that act on the parcel of land that would be transferred under this bill. According to IHS, the YKHC currently does not pay rent or any other remuneration to IHS for the use of the land. As a result, CBO estimates that enacting S. 230 would have no significant effect on the federal budget and would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 230 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the YKHC by transferring the property to the corporation. Any costs to the YKHC would be incurred voluntarily.

The CBO staff contacts for this estimate are Robert Stewart (for federal costs), J'nell Blanco Suchy (for intergovernmental effects), and Amy Petz (for private-sector mandates). 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. 230 will have a minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 230.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of S. 230 will make no changes to existing law.

