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SENATE

{ REPORT
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TO CONVEY LAND IN ANCHORAGE, ALASKA, TO THE ALASKA NATIVE TRIBAL HEALTH CONSORTIUM, AND FOR OTHER PURPOSES

APRIL 14, 2021.—Ordered to be printed

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

R E P O R T

[To accompany S. 548]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill, (S. 548) to convey land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 548 is to direct the Secretary of the U.S. Department of Health and Human Services (HHS) to convey certain property, located in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium (ANTHC).

BACKGROUND

Founded in 1997, ANTHC is a non-profit tribal health organization that provides health and social services to more than 180,000 Alaska Native and American Indians living in Alaska. ANTHC is the largest tribal health organization in the country and is Alaska's second largest health employer in the state. ANTHC employs more than 3,000 people for the Alaska Native Medical Center, wellness programs, rural provider training, disease research and prevention, and rural water and sanitation systems construction.

SUMMARY OF THE BILL

S. 548 directs the Secretary of the HHS to convey land consisting of 3.5 acres, including all right, title, and interest, to ANTHC by warranty deed not later than two years of enactment of the Act.

NEED FOR LEGISLATION

The bill, S. 548, conveys two parcels of HHS land to the Consortium that it currently uses for shipping and storage of sanitation project equipment. The land to be conveyed by warranty deed will assist ANTHC with the ability to improve the land and to ensure ownership of any improvements. Also, the transfer by warranty deed will allow ANTHC to obtain financing for these improvements.

LEGISLATIVE HISTORY

On March 2, 2021, Senator Murkowski introduced S. 548. The Senate referred S. 548 to the Committee on Indian Affairs (Committee) the same day. S. 548 is identical to its predecessor bill, S. 3100, as amended, in the 116th Congress. The Committee held a duly called business meeting to consider nine bills, including S. 548, on March 10, 2021. No amendments were filed to S. 548. The Committee passed all nine bills, including S. 548, en bloc by voice vote and ordered the bills to be reported favorably.

On January 21, 2021, Representative Young introduced an identical bill, H.R. 443. On the same day, the House of Representatives referred H.R. 443 to the House Committee on Natural Resources, with a sequential referral to the House Committee on Energy and Commerce. On February 2, 2021, the House Committee on Energy and Commerce referred H.R. 443 to the Subcommittee on Health and on February 18 the Committee on Natural Resources referred the bill to the Subcommittee for Indigenous Peoples of the United States. No further action has been taken.

This bill, S. 548, is similar to other bills that were passed by the Committee and signed into law in 2013, 2015, and 2018.¹

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 states that the Act may be cited as the “Alaska Native Tribal Health Consortium Land Transfer Act of 2021”.

Sec. 2. Conveyance of property to the Alaska Native Tribal Health Consortium

Section 2(a)(1) directs the Secretary of Health and Human Services to convey all right, title, and interest of the land described in subsection (b) by warranty deed to the Alaska Native Tribal Health Consortium not later than two years after the date of enactment of this Act. The land will continue to be used for health programs.

¹See, Southeast Alaska Regional Health Consortium Land Transfer Act of 2017, Pub. L. No. 115-326 (2018); 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 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).

Section 2(a)(2) provides conditions for the conveyance of the property, including—

(1) must be made by warranty deed; and

(2) will not require any consideration by the Consortium; impose any obligations, term, or condition on the Consortium; or allow for any reversionary interest.

Section 2(a)(3) states that on the effective date of the conveyance, the warranty deed will supersede and render no future effect any quitclaim deed to the property.

Section 2(b) provides the physical property description of the two lots of land, including all improvements and appurtenances, in Anchorage, Alaska.

Section 2(c)(1)(A) states that ANTHC will 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 land described in subsection (b) occurring on or before the date the property is conveyed to the Consortium. Additionally, the Secretary will 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 land described in subsection (b) occurring after the date when the Consortium controlled, occupied, and began using the property.

Section 2(c)(1)(B) describes environmental contamination to include any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard defined in any Federal or State of Alaska law.

Section 2(c)(2) authorizes the Secretary any easement or access to the conveyed property as may be reasonably necessary to satisfy any retained obligation or liability.

Section 2(c)(3) requires the Secretary to comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated March 24, 2021, was prepared for S. 548:

MARCH 24, 2021.

Hon. BRIAN SCHATZ,
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. 548, the Alaska Native Tribal Health Consortium Land Transfer Act of 2021.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 548, Alaska Native Tribal Health Consortium Land Transfer Act of 2021			
As ordered reported by the Senate Committee on Indian Affairs on March 10, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	*
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and \$500,000.

S. 548 would authorize the Secretary of Health and Human Services (HHS) to convey a parcel of land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium (ANTHC). The conveyance 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 (ISDEAA) allows tribal entities to assume responsibility for providing health care services funded by the Indian Health Service (IHS). The ANTHC is a nonprofit health care and social services corporation that operates facilities under the ISDEAA in communities throughout Alaska. According to IHS, the ANTHC currently does not pay rent or any other remuneration to IHS for the use of the land to be transferred. Consequently, CBO estimates that enacting S. 548 would not affect direct spending or revenues and would have an insignificant effect on spending subject to appropriation for IHS staff to facilitate the land transfer.

The CBO staff contact for this estimate is Robert Stewart. The estimate was reviewed by Leo Lex, Deputy 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 S. 548 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 548.

CHANGES IN EXISTING LAW

On February 11, 2021, the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to

dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.

