

## Calendar No. 42

117TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
117-14

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TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE TANANA TRIBAL COUNCIL LOCATED IN TANANA, ALASKA, AND FOR OTHER PURPOSES

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APRIL 14, 2021.—Ordered to be printed

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

### R E P O R T

[To accompany S. 549]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 549) to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, 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. 549, would direct the Secretary of the U.S. Department of Health and Human Services (HHS) to convey certain properties to the Tanana Tribal Council (TTC), located in Tanana, Alaska. Such conveyance would enable the TTC to expand and construct new health care facilities on the properties and to provide improved health services to its respective rural service populations.

#### BACKGROUND

The TTC operates the Tanana Tribal Health Center located 138 miles west of Fairbanks, Alaska. The Tanana Tribal Health Center provides mid-level outpatient services, 24-hour urgent care, outpatient alcohol counseling, and residential elder care. The facilities include the clinic building, housing units, and service buildings.

## SUMMARY OF THE BILL AND NEED FOR LEGISLATION

This bill, S. 549, would direct the Secretary of the HHS to convey certain property to the TTC located in Tanana, Alaska for use in connection with health and social services programs. The property to be conveyed includes all land, improvements, and appurtenances on 11.25 acres of land currently owned by the HHS.

The land, as described in S. 549, to be conveyed to the TTC is the site of a former Indian Health Service (IHS) hospital that has since been removed. 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, the Village of Tanana's corporation. The remaining 11.25 acres is the land to be conveyed under this bill.

The TTC intends to use the land 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 same land. The Village of Tanana is only accessible by small plane or boat, and by snow machine during the winter. Residents must often travel to larger hub communities, such as Fairbanks or Anchorage, for medical services. This travel is costly and prohibits residents from receiving vital care during severe illness or injury that requires medivac services.

## LEGISLATIVE HISTORY

On March 2, 2021, Senators Murkowski and Sullivan introduced S. 549. It was referred to the Committee on Indian Affairs (Committee) on the same day. S. 549 does not differ significantly from its predecessor bill, S. 224 as described below, other than omitting provisions related to the transfer of other land parcels to the Bristol Bay Area Health Corporation. On March 10, 2021, the Committee met at a duly called business meeting to consider S. 549 with eight other bills. No amendments were filed to S. 549. The Committee passed all nine bills, including S. 549, en bloc by voice vote and ordered the bills to be reported favorably.

On February 2, 2021, Representative Young introduced an identical bill, H.R. 441, in the House of Representatives. On the same day, the bill was referred 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. 441 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.

*116th Congress.* On January 24, 2019, Senators Murkowski and Sullivan introduced the predecessor bill, S. 224, *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 Senate referred the bill to the Committee on the same day. On January 29, 2019, the Committee met at a duly called business meeting to consider S. 224 with twelve other bills. No amendments were filed to S. 224. The Committee passed all twelve bills, including S. 224, en bloc by voice vote and ordered the bills to be reported favorably. On March 25, 2019, the Committee reported S. 224 favorably.

and it was placed on the Senate calendar. On June 27, 2019, S. 224 passed the Senate without amendment by voice vote and sent it to the House the next day.

S. 224 was referred to the House Committee on Natural Resources and the House Committee on Energy and Commerce. On July 1, 2019, the House Committee on Energy and Commerce referred the bill to the Subcommittee on Health. On July 3, 2019, the House Committee on Natural Resources referred the bill to the Subcommittee for Indigenous Peoples of the United States. No further action was taken.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Conveyance of property to the Tanana Tribal Council*

Section 1 directs the Secretary of Health and Human Services 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. The bill further provides that the Secretary convey the land via 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. This section also states that the conveyance of this warranty deed shall supersede and render of no future effect any quitclaim deed to the property.

Section 1(c)(1) 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.

Under Section 1(c)(2) of the bill, 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. Section 1(c)(3) 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.

#### COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated March 24, 2021, was prepared for S. 549:

*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. 549, a bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, 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,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<b>S. 549, a bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and for other purposes</b>			
<b>As ordered reported by the Senate Committee on Indian Affairs on March 10, 2021</b>			
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	<b>Mandate Effects</b>	
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. 549 would authorize the Secretary of Health and Human Services (HHS) to convey a parcel of land in Tanana, Alaska, to the Tanana Tribal Council (TTC). 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 TTC is a nonprofit health care and social services corporation that operates facilities under the ISDEAA in 39 communities throughout Alaska. According to IHS, the TTC 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. 549 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. 549 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 549.

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.

