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1st Session }

SENATE

{ REPORT
{ 117-15

TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM LOCATED IN SITKA, ALASKA, 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. 550]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 550) to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this bill is to direct the Secretary of the U.S. Department of Health and Human Services (HHS) to convey certain property, located in Sitka, Alaska, to the Southeast Alaska Regional Health Consortium (SEARHC). The property transfer authorized by this bill would enable SEARHC to renovate existing, and construct new, health care facilities in order to provide improved services to surrounding communities in southeast Alaska.

BACKGROUND

Founded in 1975, SEARHC is one of the oldest and largest Native-run health organizations in the country. SEARHC is a non-profit Tribal health consortium that provides health and social services to 18 Native communities, including the Tlingit, Haida, and Tsimshian peoples in southeast Alaska.

Following passage of the *Indian Self-Determination and Education Assistance Act* in 1976, SEARHC began contracting with the Indian Health Service (IHS) to assume management of the Community Health Aide Program (CHAP), which services several Indian Tribes in the area. CHAP allows community health aides to work with licensed providers to offer medical, dental, and behavioral health care services to Native patients living in remote areas of the state.

The SEARHC also controls and operates Mt. Edgecumbe Hospital (MEH), the regional hospital that provides acute care, critical care, obstetrics, surgery, and perioperative care to residents of Sitka and other areas of southeast Alaska. MEH was constructed toward the end of World War II by the U.S. Department of War to treat patients with tuberculosis. As the oldest hospital in Alaska, the facilities need renovations or replacement in order to continue providing quality health care services to the community. But because HHS currently holds title to the land, SEARHC is unable to readily make renovations and expand MEH with a replacement facility without federal legislation transferring title.

SUMMARY OF THE BILL

S. 550 directs the Secretary of the HHS to transfer 10.87 acres of the described land including all right, title, and interest, to SEARHC by warranty deed within two years of enactment.

NEED FOR LEGISLATION

SEARHC intends to use the transferred land located in Sitka, Alaska for future health care facility renovations and expansion of MEH. Without the conveyance of title by warranty deed, SEARHC will be less likely to secure needed financing for renovations to the hospital and construct new facilities. The land conveyance will also provide SEARHC with more control and oversight of the properties resulting in enhanced access to health care services in the area.

LEGISLATIVE HISTORY

On March 2, 2021, Senators Murkowski and Sullivan introduced S. 550, *A bill to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and for other purposes*. S. 550 is identical to its predecessor bill, S. 3099, which passed the Senate in the 116th Congress. The Senate referred the bill to the Committee on Indian Affairs (Committee) the same day. The Committee held a duly called business meeting to consider nine bills, including S. 550, on March 10, 2021. No amendments were filed to S. 550. The Committee passed the bill en bloc with eight other bills by voice vote, and ordered the bill to be favorably reported.

On January 21, 2021, Representative Young introduced H.R. 442, the *Southeast Alaska Regional Health Consortium Land Transfer Act*. The House of Representatives referred the bill to the Committee on Natural Resources with a sequential referral to the Committee on Energy and Commerce. On February 2, 2021, the Committee on Energy and Commerce referred H.R. 442 to the Subcommittee on Health and on February 18 the Committee on Nat-

ural Resources referred the bill to the Subcommittee for Indigenous Peoples of the United States. No further action has been taken.

This bill, S. 550, 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 “Southeast Alaska Regional Health Consortium Land Transfer Act of 2021”.

Sec. 2. Conveyance of property

Subsection (a) directs the Secretary of Health and Human Services to convey all right, title, and interest of the land described in Section 3 by warranty deed to the Southeast Alaska Regional Health Consortium no later than two years after the date of enactment of this Act. The land will continue to be used for health and social services programs.

Subsection (b) provides conditions for the conveyance of the property, including—

- (1) must be made by warranty deed; and
- (2) will not to require any consideration by the Consortium; impose any obligation, term, or condition on the Consortium; or allow for any reversionary interest.

Subsection (c) 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.

Sec. 3. Property described

Section 3 provides the physical property description of 10.87 acres, including all appurtenances, in Sitka, Alaska.

Sec. 4. Environmental liability

Subsection (a)(1) states that SEARHC 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 Section 3 on or before the date the property is conveyed to the Consortium.

Subsection (a)(2) 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.

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

Subsection (c) 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*.

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).

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated March 24, 2021, was prepared for S. 550:

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. 550, the Southeast Alaska Regional 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. 550, Southeast Alaska Regional 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. 550 would authorize the Secretary of Health and Human Services (HHS) to convey a parcel of land in Sitka, Alaska, to the Southeast Alaska Regional Health Consortium (SARHC). 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 SARHC is a nonprofit health care and social services corporation that operates facilities under the ISDEAA in southeast communities throughout Alaska. According to IHS, the SARHC 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. 550 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. 550 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 550.

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.