

Calendar No. 21

117TH CONGRESS } <i>1st Session</i> }	SENATE	{ REPORT 117-5
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TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES, ACTING THROUGH THE DIRECTOR OF THE INDIAN HEALTH SERVICE, TO ACQUIRE PRIVATE LAND TO FACILITATE ACCESS TO THE DESERT SAGE YOUTH WELLNESS CENTER, IN HEMET, CALIFORNIA, AND FOR OTHER PURPOSES

MARCH 24, 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. 144]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs (Committee), to which was referred the bill (S. 144) to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California, 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. 144 is to authorize the Secretary of the U.S. Department of Health and Human Services (HHS), acting through the Director of the Indian Health Service (IHS), to acquire private land in order to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California.

BACKGROUND

The Desert Sage Youth Wellness Center (Center), which opened in 2017, is an IHS Youth Regional Treatment Center located in Hemet, California. The Center provides culturally sensitive substance abuse treatment to native youth in a co-ed residential facility. Services offered at the Center include mental health, chemical dependency counseling, individual and group counseling, family therapy, traditional healing services, traditional arts and crafts, cultural activities, field-recreation trips, educational opportunities,

academic and life-skills education, fitness program, and access to medical specialties and dental care. Prior to the Center opening, native youth would often travel out of state for treatment, far from their families and homes.

SUMMARY OF THE BILL

The bill, S. 144, authorizes the HHS to acquire certain land from willing sellers to facilitate access to the Center. Specifically, HHS is authorized to acquire a dirt and gravel road, known as “Best Road,” and other land and interests around it in order for IHS to construct and maintain a paved road that accesses the Center.

NEED FOR LEGISLATION

Currently, the Center is only accessible via “Best Road;” during extreme weather conditions, the dirt and gravel road makes access to the Center limited to none at all. A paved road is necessary to provide better, consistent access to the Center, however, the HHS Secretary currently lacks congressional authority to acquire and improve the “Best Road.”

LEGISLATIVE HISTORY

On February 1, 2021, Senators Feinstein and Padilla introduced S. 144, the Desert Sage Youth Wellness Center Access Improvement Act. The Senate referred the bill to the Committee the same day. The Committee held a duly called business meeting to consider nine bills, including S. 144, on March 10, 2021. No amendments were filed to S. 144. The Committee passed the bill with eight other bills by voice vote and ordered it to be favorably reported.

On February 1, 2021, Representatives Ruiz, Barragan, Cardenas, Aguilar, Calvert, and Thompson introduced H.R. 667, a companion bill to S. 144, in the House of Representatives. The House of Representatives referred the bill to the Committees on Natural Resources and Energy and Commerce the same day. No further action has been taken on H.R. 667.

On September 10, 2020, Senator Feinstein introduced S. 4556, a predecessor bill upon which S. 144 is based. The Senate referred the bill to the Committee the same day. The Committee then held a legislative hearing on the bill on September 23, 2020. At this legislative hearing, Rear Admiral Michael D. Weahkee, Director of the IHS, testified in support of the bill.

The Committee held a duly called business meeting to consider four bills, including S. 4556, on November 18, 2020. No amendments were filed to S. 4556. The Committee passed the bill by voice vote and ordered it reported favorably. The Committee reported the bill on December 9, 2020 and, on December 20, 2020, the Senate passed S. 4556 without amendment by unanimous consent. The House of Representatives received the bill on December 21, 2020, and held it at the desk. However, the House of Representatives took no further action on S. 4556 prior to the conclusion of the 116th Congress.

On September 25, 2019, Representatives Ruiz, Calvert, Aguilar, and Cook introduced a companion bill, H.R. 4495, in the House of Representatives. Representatives LaMalfa, Barragán, Cárdenas,

and Harder later joined as co-sponsors. The House of Representatives referred the bill to the Committees on Natural Resources and Energy and Commerce. On September 26, 2019, the Committee on Energy and Commerce referred the bill to the Subcommittee on Health. On October 3, 2019, the Committee on Natural Resources referred the bill to the Subcommittee on National Parks, Forests, and Public Lands. On December 2, 2019, the Committee on Natural Resources re-referred the bill to the Subcommittee for Indigenous Peoples of the United States. On February 5, 2020, the Subcommittee on Indigenous Peoples held a subcommittee hearing on H.R. 4495. Neither committee took further action on the bill prior to the conclusion of the 116th Congress.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this bill may be cited as the “Desert Sage Youth Wellness Center Access Improvement Act”.

Sec. 2. Access road for Desert Sage Youth Wellness Center

Subsection (a) authorizes the Secretary of the Department of Health and Human Services, acting through the Director of the Indian Health Service, to acquire, from willing sellers, land or interests in land located in Hemet, California to construct and maintain the road as required in subsection (b). This subsection also provides that the Secretary of HHS must pay fair market value for the land to be acquired under paragraph (1), as determined using the Uniform Appraisal Standards for Federal Land Acquisition, and by an appraiser who is acceptable to the Secretary and the current owners of said land.

Subsection (b) requires the Secretary of HHS to construct, on the acquired land, a paved road that is located over Best Road to facilitate access to the Center. The Secretary of HHS will be required to maintain and manage the road or enter into an agreement with Riverside County, California, to own, maintain, and manage Best Road.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated March 18, 2021, was prepared for S. 144:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 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. 144 the Desert Sage Youth Wellness Center Access Improvement Act.

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.

Enclosure.

S. 4556, Desert Sage Youth Wellness Center Access Improvement Act			
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)	1	1	not estimated
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

S. 144 would authorize the Secretary of Health and Human Services to purchase, pave, and maintain a road to facilitate access to the Desert Sage Youth Wellness Center (DSYWC) in Hemet, California. The DSYWC is one of 12 residential treatment centers for adolescents with substance abuse disorders that is funded by the Indian Health Service (IHS). The access road to the facility is a half-mile long, privately owned road that is currently unpaved. Based on information from IHS, CBO estimates that purchasing and paving the road would cost about \$1 million over the 2021–2026 period, assuming appropriation of the necessary amounts. In addition, the bill would authorize the Secretary to either maintain the road on an ongoing basis or come to an agreement with the local county to maintain the road. Based on information about the cost of road maintenance, a newly paved road of this length would require less than \$500,000 for maintenance costs over the 2021–2026 period.

The CBO staff contact for this estimate is Robert Stewart. The estimate was reviewed by Leo Lex, Deputy Director of 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. 144 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 144.

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.

