

Calendar No. 575

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-281

TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM LOCATED IN SITKA, ALASKA, AND FOR OTHER PURPOSES

OCTOBER 20 (legislative day, OCTOBER 19), 2020.—Ordered to be printed

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

R E P O R T

[To accompany S. 3099]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 3099) 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 two land parcels in Sitka, Alaska, to the Southeast Alaska Regional Health Consortium (SEARHC). The property transfer authorized by this bill would enable the SEARHC to renovate the existing structures and construct new health care facilities to improve services for the surrounding communities in southeast Alaska.

BACKGROUND

Founded in 1975, the SEARHC is one of the oldest and largest Native-run health organizations in the country. SEARHC is a non-profit 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). The CHAP allows community health aides to work with licensed providers in offering medical, dental, and behavioral health care services to Indian patients living in remote areas of Alaska. In 2018, the IHS formed the CHAP Tribal Advisory Group and later expanded policies for the program to be offered throughout the country.

SEARHC controls and operates Mt. Edgecumbe Hospital (MEH), the regional hospital that provides obstetrics, surgery, perioperative, acute, and critical care to the residents of Sitka and surrounding areas. Near the end of World War II, the U.S. Department of War constructed MEH to treat patients with tuberculosis. As the oldest hospital in Alaska, MEH needs renovations or replacement in order to continue providing quality health care services to the community.

HHS currently holds title to the land. The SEARHC is requesting passage of federal legislation that transfers title of the land and its facilities by warranty deed from HHS to SEARHC to make renovations to and replace aging MEH buildings.

SUMMARY OF THE BILL

Under Section 2 of S. 3099, within 2 years of enactment of the Act, HHS will transfer 10.87 acres of the described land, including all right, title, and interest, to SEARHC by warranty deed. The land to be conveyed is comprised of two parcels that are being considered for renovations and expansion to MEH property. Once conveyed, the warranty deed supersedes and renders no further effect of any quitclaim deeds to the land.

Section 4 states that SEARHC will not be liable for any environmental contamination on the land prior to the conveyance. The bill also states the Secretary of HHS will not be liable for any contamination from the date SEARHC assumes control, occupies, and uses the land. Any easement or access to the property, as reasonably necessary in order to satisfy any obligations or liabilities, will be provided to the Secretary of HHS. Compliance with subparagraphs (A) and (B) of section 120(h)(3) of the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* will be complied with by the Secretary of HHS.

LEGISLATIVE HISTORY

On December 18, 2019, Senators Lisa Murkowski (R-AK) and Dan Sullivan (R-AK) introduced S. 3099, the *Southeast Alaska Regional Health Consortium Land Transfer Act of 2019*. The Senate Committee on Indian Affairs (Committee) held a legislative hearing on June 24, 2020. Rear Admiral Michael Weahkee, Director of the IHS, submitted a statement for the record supporting the purpose of S. 3099 and provided technical changes to address potential implementation challenges. Mr. Charles Clement, President and Chief Executive Officer of SEARHC, also provided a statement for the record supporting S. 3099. The Committee held a duly called business meeting on July 29, 2020, to consider eleven bills, including S. 3099. No amendments were filed to the bill. The Committee

passed S. 3099, en bloc with three other bills by voice vote, and ordered the bill to be favorably reported.

This bill, S. 3099, is the first time to be introduced in the Senate of any Congress but is similar to other bills that were passed by the Committee and signed into law in 2013, 2015 and 2018.¹

At this time, there is no House companion bill.

NEED FOR LEGISLATION

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

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 2019”.

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.

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).

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*.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 2020.

Hon. JOHN HOEVEN,
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. 3099, the Southeast Alaska Regional Health Consortium Land Transfer Act of 2019.

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. 3099, Southeast Alaska Regional Health Consortium Land Transfer Act of 2019			
As ordered reported by the Senate Committee on Indian Affairs on July 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
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 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 3099 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. 3099 would not affect direct spending or revenues and would have a negligible 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. 3099 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 3099.

CHANGES IN EXISTING LAW

On February 6, 2019, 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.

