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2d Session }

SENATE

{ REPORT
116-306

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

DECEMBER 9, 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. 4556]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 4556) 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. 4556 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. 4556, authorizes the HHS to acquire land from willing sellers to facilitate access to the Center. A dirt road, known as the “Best Road,” including other land and interests around this dirt road, will be authorized to be acquired by the HHS, in order for IHS to construct and maintain a paved road that accesses the Center.

NEED FOR LEGISLATION

Currently, the only access to the Center is on the “Best Road,” which is a dirt and gravel road. During extreme weather conditions, access to the Center becomes limited to none at all. In order to provide better, consistent access to services at the Center, the IHS needs to purchase land from willing sellers so the agency construct a paved road and maintain it thereon. However, the HHS Secretary lacks authority to acquire and improve the “Best Road” and requires Congress to authorize the acquisition.

LEGISLATIVE HISTORY

On September 10, 2020, Senator Feinstein introduced S. 4556, A bill 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. 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, and the Committee passed the bill by voice vote.

On September 25, 2019, Representatives Raul Ruiz, Ken Calvert, Pete Aguilar, and Paul Cook introduced a companion bill, H.R. 4495, 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, in the House of Representatives. Representatives Doug LaMalfa, Nanette Diaz Barragán, Tony Cárdenas, and Josh Harder later joined as co-sponsors. The House of Representatives referred the bill to the Committees on Natural Resources and Energy and Commerce, for a period to be subsequently determined by the Speaker. On September 26, 2019, the Committee on Energy and Commerce of the U.S. House of Representatives 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 Sub-

committee on Indigenous Peoples held a subcommittee hearing on H.R. 4495. The Committee on Natural Resources has taken no further action on the companion bill, as of the filing of this report.

SECTION-BY-SECTION ANALYSIS

Section 1. 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 the “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 the “Best Road.”

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated December 4, 2020, was prepared for S. 4556:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 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. 4556, a bill 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.

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. 4556, a bill 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

As ordered reported by the Senate Committee on Indian Affairs on November 18, 2020

By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	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 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 4556 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 2021–2025 period, assuming the 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 2021–2025 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. 4556 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 4556.

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.

