

TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY TO THE
YUKON KUSKOKWIM HEALTH CORPORATION LOCATED IN BETHEL,
ALASKA

—————
JULY 22, 2015.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 521]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 521) to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall convey to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, all the right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect any quitclaim deed to the property described in section 2 executed by the Secretary and the Yukon Kuskokwim Health Corporation.

(b) CONDITIONS.—The conveyance of the property under this Act—

- (1) shall be made by warranty deed;
- (2) shall not require any consideration from the Yukon Kuskokwim Health Corporation for the property;
- (3) shall not impose any obligation, term, or condition on the Yukon Kuskokwim Health Corporation; and
- (4) shall not allow for any reversionary interest of the United States in the property.

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, described in this section is that property included in U.S. Survey No. 4000, Lot 2, township 8N, Range 71W, Seward Meridian, containing 22.98 acres.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Yukon Kuskokwim Health Corporation shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any 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, on any of the property described in section 2 on or before the date on which the property is conveyed to the Yukon Kuskokwim Health Corporation.

(b) **EASEMENT.**—The Secretary shall be accorded any easement or access to the property conveyed under this Act as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(c) **NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.**—In carrying out this Act, the Secretary shall comply with section 120(h)(3) (A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

PURPOSE OF THE BILL

The purpose of H.R. 521 is to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska.

BACKGROUND AND NEED FOR LEGISLATION

The Yukon Kuskokwim Health Corporation is a non-profit Alaska Native organization which administers health care services for 11 service area regions in the Yukon Kuskokwim Delta region. Through a self-governance compact with the Indian Health Service, the Yukon Kuskokwim Health Corporation administers a health care delivery system for Alaska Natives residing in approximately 50 rural communities in southwest Alaska. These Alaska Native Villages have authorized the Yukon Kuskokwim Health Corporation to act on their behalf in negotiating with the Indian Health Service to provide care services under Title V of the Indian Self-Determination and Education Assistance Act. This system includes, but is not limited to, a regional hospital, community clinics, and sub-regional clinics. The Yukon Kuskokwim Health Corporation is the only full-service health provider in the region.

The regional hospital that Yukon Kuskokwim Health Corporation operates is the Yukon-Kuskokwim Delta Regional Hospital. The hospital building is located on 23 acres of land which are owned by the Indian Health Service. Since 1993, the Yukon Kuskokwim Health Corporation has operated and maintained the building on behalf of the Indian Health Service. In recent years, the hospital has seen an increase in patient visits, which has led to a strain on the 30-year-old hospital building. The Yukon Kuskokwim Health Corporation plans to build a 130,000 square foot primary care clinic attached to the existing Yukon Kuskokwim Delta Regional Hospital, and renovate existing space to meet demand in the coming years. In 2012, the total project was estimated to cost at minimum \$250 million. To finance such an expansion of the building and renovations, the Yukon Kuskokwim Health Corporation applied for the Indian Health Services' competitive Joint Venture Construction Program. Codified 25 U.S.C. 1680h(e), the Joint Venture Construction Program authorizes the Secretary of Health and Human Services to enter into agreements with Indian tribes under which tribes shall expend non-federal funds for the acquisition or construction of a health facility and lease the facility

back to the Indian Health Service for a period of at least 20 years at no cost. The Indian Health Service shall provide staffing and supplies for the operation and maintenance of the health facility. As outlined in the Joint Venture Construction Program criteria, Yukon Kuskokwim Health Corporation must demonstrate evidence of sufficient site control to secure the project.

Although both the Yukon Kuskokwim Health Corporation and the Department of Health and Human Services are supportive of the land transfer, Congressional action is necessary. Pursuant to the United States Constitution, only Congress can dispose of federal property. Congress can act pursuant to general property disposal statutes, like the Federal Property and Administrative Services Act, which authorizes the disposal of surplus federal property, or through specific legislation for a specific parcel of land. Because this specific parcel of land does not meet the requirements for any current general federal land transfer Acts, specific legislation is necessary to allow the land transfer between the Indian Health Service and Yukon Kuskokwim Health Corporation. Transfer to the Corporation under this bill by warranty deed will allow it to go forward with the proposed expansion of the hospital under the Joint Venture Construction Program.

COMMITTEE ACTION

H.R. 521 was introduced on January 22, 2015, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular, and Alaska Native Affairs. It was also referred to the Committee on Energy and Commerce. On April 14, 2015, the Subcommittee held a hearing on the bill. On June 10, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent and Congressman Young (R-AK) offered Amendment #076 that was adopted by unanimous consent. The bill as amended was ordered favorably reported to the House of Representatives by unanimous consent on June 11, 2015.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 521—A bill to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation in Bethel, Alaska

H.R. 521 would authorize the Secretary of Health and Human Services (HHS) to convey a 23-acre parcel of land in Bethel, Alaska to the Yukon Kuskokwim Health Corporation (YKHC). The conveyance would be made by a warranty deed, which is a type of deed that provides that the grantor (the United States) has a good title free and clear of all liens and encumbrances and that the grantor promises to defend the title to the property against all persons claiming the property.

The Indian Self-Determination and Education Act allows tribal entities to assume responsibility for the provision of health care services funded by the Indian Health Service (IHS), the agency within HHS responsible for providing health care to American Indians and Alaska Natives. The YKHC, a nonprofit tribal organization that administers health care services for 58 tribal communities in Alaska, operates a hospital under the authority of that act on the parcel of land that would be transferred under this bill. According to IHS, the YKHC currently does not pay rent or any other remuneration to IHS for the use of the land. As a result, CBO estimates that enacting H.R. 521 would not have a significant effect on the federal budget. Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 521 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the YKHC by transferring the property to the corporation. Any costs to the YKHC would be incurred voluntarily.

On March 13, 2015, CBO transmitted a cost estimate for S. 230, as ordered reported by the Senate Committee on Indian Affairs, on February 15, 2015. H.R. 521 contains provisions similar to those in S. 230, and the CBO cost estimates for those provisions are the same.

The CBO staff contact for this estimate is Robert Stewart. The estimate was approved by Holly Harvey, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office concludes that enactment of this bill “would not have a significant effect on the federal budget.”

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e),

9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

FRED UPTON, MICHIGAN
CHAIRMAN

CORRESPONDENCE

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majesty (202) 226-2927
Minority (202) 225-3041

July 21, 2015

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Bishop:

I write in regard to H.R. 521, to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, which was ordered to be reported by the Committee on Natural Resources on June 11, 2015. As you are aware, the bill also was referred to the Committee on Energy and Commerce. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 521 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves the right to seek conferees on H.R. 521 and requests your support when such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 521 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,



Fred Upton
Chairman

ROB BISHOP OF UTAH
CHAIRMAN

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

July 22, 2015

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

On June 11, 2015, the Committee on Natural Resources ordered favorably reported without amendment H.R. 521, to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Energy and Commerce.

I thank you for allowing the Committee on Energy and Commerce to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support having the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as the Congressional Record when the bill is considered by the House.

Thank you for your consideration of my request, and for your continued strong cooperation between our committees.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable John Boehner, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian