

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM LAND  
TRANSFER ACT OF 2020

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DECEMBER 8, 2020.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 7119]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 7119) to convey land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium, and for other purposes, 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. SHORT TITLE.**

This Act may be cited as the “Alaska Native Tribal Health Consortium Land Transfer Act of 2020”.

**SEC. 2. CONVEYANCE OF PROPERTY TO THE ALASKA NATIVE TRIBAL HEALTH CONSORTIUM.**

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall convey to the Alaska Native Tribal Health Consortium located in Anchorage, Alaska (referred to in this section as the “Consortium”), all right, title, and interest of the United States in and to the property described in subsection (b) for use in connection with health programs.

(2) CONDITIONS.—The conveyance of the property under paragraph (1)—

(A) shall be made by warranty deed; and

(B) shall not—

- (i) require any consideration from the Consortium for the property;
- (ii) impose any obligation, term, or condition on the Consortium; or
- (iii) allow for any reversionary interest of the United States in the property.

(3) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under paragraph (1) shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the

property described in subsection (b) executed by the Secretary and the Consortium.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a), including all land, improvements, and appurtenances, is—

(1) Lot 1A in Block 31A, East Addition, Anchorage Townsite, United States Survey No. 408, Plat No. 96–117, recorded on November 22, 1996, in the Anchorage Recording District; and

(2) Block 32C, East Addition, Anchorage Townsite, United States Survey No. 408, Plat No. 96–118, recorded on November 22, 1996, in the Anchorage Recording District.

(c) ENVIRONMENTAL LIABILITY.—

(1) LIABILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Consortium shall 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 property described in subsection (b) that occurred on or before the date on which the Consortium controlled, occupied, and used the property.

(B) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in subparagraph (A) includes any oil or petroleum products, 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.

(2) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under subsection (a)(1) as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

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

#### PURPOSE OF THE BILL

The purpose of H.R. 7119 is to convey land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Alaska Native Tribal Health Consortium (ANTHC) is a non-profit organization serving the health needs of Alaska Native and American Indian people living in Alaska. It is the largest tribal health organization in the United States, and it provides tribal healthcare services to thousands of patients in the south-central Alaska region under contracts with the Indian Health Service (IHS).

ANTHC provides comprehensive medical services at the Alaska Native Medical Center, wellness programs, disease research and prevention, rural provider training, rural water and sanitation systems construction, and health training and education.

H.R. 7119 will allow ANTHC to gain ownership over two parcels of land totaling 3.5 acres. The parcels are owned by the U.S. Department of Health and Human Services (HHS) and are currently being used by ANTHC for maintenance and storage. The legislation directs the Secretary of HHS to convey the Orca Point property in downtown Anchorage, by warranty deed, to ANTHC. ANTHC would like to improve the properties to better utilize them but needs to obtain the properties by warranty deed before making improvements, both to ensure ownership of any improvements and to obtain financing for any improvements. Transfer of the land will allow ANTHC to streamline its operations and build updates and refurbishments without reliance on the federal government.

Similar legislation has been passed by the House Natural Resources Committee<sup>1</sup> as well as by the full House of Representatives,<sup>2</sup> so this bill is not unprecedented.

#### COMMITTEE ACTION

H.R. 7119 was introduced on June 4, 2020, by Representative Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce. Within the Natural Resources Committee, the bill was referred to the Subcommittee for Indigenous Peoples of the United States. On July 22, 2020, the Subcommittee held a hearing on the bill. On July 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Young offered an amendment designated Young #1. The amendment was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 7119: hearing by the Subcommittee for Indigenous Peoples of the United States held on July 22, 2020.

#### 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 AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

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

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 7119, the Alaska Native Tribal Health Consortium Land Transfer Act of 2020.

<sup>1</sup> H.R. 521, 114th Cong. (2015); H.R. REP. NO. 114 217, pt. 1 (2015), <https://www.congress.gov/114-crpt/hrpt217/CRPT-114hrpt217.pdf> (reporting the same out of Committee).

<sup>2</sup> Alaska Native Tribal Health Consortium Land Transfer Act, P.L. No. 113–68, 127 Stat. 1205 (2013), <https://uscode.house.gov/statviewer.htm?volume=127&page=1205> (not codified) (statutory compilation as of Sept. 11, 2019, at <https://www.govinfo.gov/content/pkg/COMPS-10703/pdf/COMPS-10703.pdf>).

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.

<b>H.R. 7119, Alaska Native Tribal Health Consortium Land Transfer Act of 2020</b>			
As ordered reported by the House Committee on Natural Resources 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	<b>Mandate Effects</b>	
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.			

H.R. 7119 would authorize the Secretary of Health and Human Services (HHS) to convey a parcel of land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium (ANTHC). 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 ANTHC is a nonprofit health care and social services corporation that operates facilities under the ISDEAA in communities throughout Alaska. According to IHS, the ANTHC 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 H.R. 7119 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 of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to convey land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium.

#### 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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

RAUL M. GRIJALVA OF ARIZONA  
CHAIRMAN  
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DAVID WATKINS  
STAFF DIRECTOR

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

ROB BISHOP OF UTAH  
RANKING REPUBLICAN  
-----  
PARISH BRADEN  
REPUBLICAN STAFF DIRECTOR

September 1, 2020

The Honorable Frank Pallone Jr.  
Chair  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chair Pallone:

I write to you concerning H.R. 7119, the "Alaska Native Tribal Health Consortium Land Transfer Act of 2020."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that your Committee will not formally consider H.R. 7119 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to working with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva  
Chair  
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member  
The Honorable Thomas J. Wickham Jr., Parliamentarian

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

GREG WALDEN, OREGON  
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

December 4, 2020

The Honorable Raúl M. Grijalva  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Grijalva:

I write concerning H.R. 7119, the "Alaska Native Tribal Health Consortium Land Transfer Act of 2020," which was additionally referred to the Committee on Energy and Commerce (Committee).

In recognition of the desire to expedite consideration of H.R. 7119, the Committee agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee. The Committee takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. I also request that you support my request to name members of the Committee to any conference committee to consider such provisions.

Finally, I would appreciate the inclusion of this letter in the committee report on H.R. 7119 and into the *Congressional Record* during floor consideration of the measure.

Sincerely,



Frank Pallone, Jr.  
Chairman

The Honorable Raúl M. Grijalva  
September 15, 2020  
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cc: The Honorable Nancy Pelosi, Speaker  
The Honorable Steny Hoyer, Majority Leader  
The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce  
The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Parliamentarian



SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS  
None.

