

Calendar No. 402

118TH CONGRESS
2D SESSION

S. 3564

To amend title 40, United States Code, to include Indian Tribes among entities that may receive Federal surplus real property for certain purposes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2024

Mr. PADILLA (for himself, Mr. LANKFORD, Mr. KELLY, Mr. CRAMER, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MAY 22, 2024

Reported by Mr. CARPER, without amendment

A BILL

To amend title 40, United States Code, to include Indian Tribes among entities that may receive Federal surplus real property for certain purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “GSA Disposal Process
5 Tribal Parity Act of 2024”.

1 **SEC. 2. INCLUSION OF INDIAN TRIBES IN GSA DISPOSAL**
2 **PROCESSES.**

3 (a) DISPOSAL OF REAL PROPERTY FOR CERTAIN
4 PURPOSES.—Section 550 of title 40, United States Code,
5 is amended—

6 (1) in subsection (a)—

7 (A) by striking the subsection designation
8 and heading and all that follows through “in-
9 cludes the” and inserting the following:

10 “(a) DEFINITIONS.—In this section:

11 “(2) STATE.—The term ‘State’ includes the”;

12 and

13 (B) by inserting before paragraph (2) (as
14 so designated) the following:

15 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
16 has the meaning given the term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).”;

19 (2) by striking “to a State” each place it ap-
20 pears and inserting “to an Indian Tribe, a State”;
21 and

22 (3) by striking “the State” each place it ap-
23 pears and inserting “the Indian Tribe, State”.

24 (b) PROPERTY FOR CORRECTIONAL FACILITY, LAW
25 ENFORCEMENT, AND EMERGENCY MANAGEMENT RE-

1 SPONSE PURPOSES.—Section 553 of title 40, United
2 States Code, is amended—

3 (1) in subsection (a)—

4 (A) by striking the subsection designation
5 and heading and all that follows through “in-
6 cludes the” and inserting the following:

7 “(a) DEFINITIONS.—In this section:

8 “(2) STATE.—The term ‘State’ includes the”;
9 and

10 (B) by inserting before paragraph (2) (as
11 so designated) the following:

12 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
13 has the meaning given the term in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304).”;

16 (2) in subsection (b), in the matter preceding
17 paragraph (1), by striking “a State, or political sub-
18 division or instrumentality of a State,” and inserting
19 “an Indian Tribe, a State, or a political subdivision
20 or instrumentality of a State”.

21 (c) PROPERTY FOR DEVELOPMENT OR OPERATION
22 OF A PORT FACILITY.—Section 554 of title 40, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) by redesignating paragraph (2) as
2 paragraph (3); and

3 (B) by inserting after paragraph (1) the
4 following:

5 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
6 has the meaning given the term in section 4 of the
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 5304).”; and

9 (2) in subsection (c)(1), by striking “a State
10 or” and inserting “an Indian Tribe, a State, or”.

11 (d) USE OF UNUTILIZED AND UNDERUTILIZED PUB-
12 LIC BUILDINGS AND REAL PROPERTY TO ASSIST THE
13 HOMELESS.—Section 501 of the McKinney-Vento Home-
14 less Assistance Act (42 U.S.C. 11411) is amended—

15 (1) in subsection (c)(2)(A), in the second sen-
16 tence, by striking “State and” and inserting “Tribal,
17 State, and”; and

18 (2) in subsection (i)(4), by striking “State or
19 local government agency, or private nonprofit orga-
20 nization, which” and inserting “Tribal government,
21 agency of a Tribal government, State or local gov-
22 ernment agency, or private nonprofit organization
23 that”.

24 (e) AUTHORITY TO TRANSFER AN INTEREST IN SUR-
25 PLUS PROPERTY FOR PUBLIC AIRPORTS.—Section

1 47151(a) of title 49, United States Code, is amended, in
 2 the matter preceding paragraph (1), by striking “to a
 3 State” and inserting “to an Indian Tribe (as defined in
 4 section 4 of the Indian Self-Determination and Education
 5 Assistance Act (25 U.S.C. 5304)), a State”.

6 (f) TRANSFER OF CERTAIN REAL PROPERTY FOR
 7 WILDLIFE CONSERVATION PURPOSES.—The first section
 8 of the Act of May 19, 1948 (16 U.S.C. 667b), is amended,
 9 in the first sentence—

10 (1) in paragraph (1)—

11 (A) by inserting “Indian Tribe (as defined
 12 in section 4 of the Indian Self-Determination
 13 and Education Assistance Act (25 U.S.C.
 14 5304)) or” before “agency of the State”; and

15 (B) by inserting “jurisdiction of the Indian
 16 Tribe (as so defined) or” before “wildlife re-
 17 sources of the State”; and

18 (2) in paragraph (2)(a), by striking “such State
 19 agency” and inserting “such Indian Tribe (as so de-
 20 fined) or State agency”.

21 **SEC. 3. ANNUAL REPORT ON OUTREACH TO INDIAN**
 22 **TRIBES; COMPETING APPLICATIONS.**

23 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (b) ANNUAL REPORT ON OUTREACH TO INDIAN
9 TRIBES.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, and annually
12 thereafter, the Administrator shall submit to Con-
13 gress a report on the outreach conducted by the Ad-
14 ministrator to Indian Tribes for purposes of noti-
15 fying Indian Tribes on the availability of surplus
16 Federal real property available for disposal.

17 (2) REQUIREMENT.—Each report submitted
18 under paragraph (1) shall include a list of any sur-
19 plus Federal real property conveyed to Indian Tribes
20 in the year covered by the report.

21 (c) COMPETING APPLICATIONS PROCESS.—Not later
22 than 2 years after the date of enactment of this Act, the
23 Administrator, in coordination with other heads of Federal
24 agencies, as determined necessary by the Administrator,
25 shall establish a process by which the Administrator will

- 1 manage competing applications for Federal surplus real
- 2 property made by States, political subdivisions or instru-
- 3 mentalities of States, municipalities, and Indian Tribes.

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