AMENDMENT NO._____ Calendar No._____  

Purpose: To provide for the disposition of certain Federal land originally purchased for a lake that never materialized located in Texas County, Oklahoma.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 601

Viz:

1. At the end of title V, add the following:

2. SEC. 5. LAND CONVEYANCE AT OPTIMA LAKE, TEXAS COUNTY, OKLAHOMA.

3. (a) DEFINITIONS.—In this section:

4. (1) FAIR MARKET VALUE.—The term “fair market value” means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.
(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a direct descendant of an individual who conveyed, land to the Corps of Engineers for use in the Optima Lake project in Texas County, Oklahoma.

(b) DEAUTHORIZATION OF PROJECT.—The Corps of Engineers project relating to Optima Lake in Texas County, Oklahoma is deauthorized, including any operation, maintenance, or other activities relating to the project that are ongoing as of the date of enactment of this Act.

(c) CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to the land acquired by the United States for the Optima Lake project in Texas County, Oklahoma in accordance with this subsection.

(2) FIRST PURCHASE OPTIONS.—

(A) STATE OF OKLAHOMA.—The Secretary shall give the State of Oklahoma through an Act passed by the legislature of that State and signed by the Governor of that State the first option to purchase the land described in paragraph (1).

(B) PREVIOUS OWNERS OF LAND.—
(i) IN GENERAL.—If the State of Oklahoma has not acted to purchase the land by the date that is 1 year after the date of enactment of this Act, the Secretary shall give a previous owner of land the option to purchase the land described in paragraph (1).

(ii) APPLICATION.—

(I) IN GENERAL.—Not later than 180 days after the official date of notice to the previous owner of land under paragraph (5), a previous owner of land who desires to purchase the land described in paragraph (1) that was owned by that previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary.

(II) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed to purchase a parcel of land described in paragraph (1), the first option to purchase the parcel of land
shall be determined based on the order in which applications for the parcel of land were filed.

(iii) Identification of Previous Owners of Land.—If the State of Oklahoma has failed to purchase the land within the period described in clause (i), the Secretary shall, not later than 90 days after that date, identify each previous owner of the land described in paragraph (1).

(iv) Consideration.—Consideration for land conveyed under this section shall be an amount equal to the fair market value of the land.

(3) Disposal.—Any land described in paragraph (1) that is not purchased under paragraph (2) within the applicable time period shall be disposed of in accordance with applicable Federal law.

(4) Extinction of Easements.—All flowage easements acquired by the United States for use in the Optima Lake project in Texas County, Oklahoma, are extinguished.

(5) Notice.—
(A) IN GENERAL.—If the State of Oklahoma has failed to purchase the land within the period described in paragraph (2)(B)(i), the Secretary shall notify of the conveyance under this section—

(i) by United States mail, each person identified as a previous owner of land under paragraph (2)(B)(iii) by not later than 90 days after the date of identification; and

(ii) by publication in the Federal Register, the general public by not later than 90 days after the date that is 1 year after the date of enactment of this Act.

(B) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(i) a copy of this section;

(ii) information sufficient to separately identify each parcel of land subject to this section; and

(iii) specification of the fair market value of each parcel of land subject to this section.
(C) OFFICIAL DATE OF NOTICE.—The official date of notice under this section shall be
the later of—

(i) the date on which actual notice is
mailed; or

(ii) the date of publication of the no-
tice in the Federal Register.

(d) FLOOD CONTROL GATES.—Prior to the convey-
ance of any land under this section, the Secretary shall
disable or remove, whichever option is most cost-effective,
any flood control gate on the dam constructed by the
Corps of Engineers in carrying out the Optima Lake
project.

(e) RESTRICTION.—The Secretary shall carry out
this section, including all land conveyances under this sec-
tion, not later than 3 years after the date of enactment
of this Act.

(f) EFFECT OF ACT.—Nothing in this section affects
the jurisdiction of the State of Oklahoma (including local-
ities) over any existing road or rights-of-way on the land
described in subsection (e)(1).

(g) OFFSET.—An amount that equals the amount
necessary to offset, in the aggregate, any net increase in
spending and foregone revenues resulting from the imple-
1 mentionation of this section shall be derived from the pro-
ceeds of the sale of the land described in subsection (c)(1).