

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. _____

To direct the Secretary of Agriculture to convey certain National Forest System land located in Franklin County, Mississippi, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. HYDE-SMITH

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. OKHISSA LAKE RURAL ECONOMIC DEVELOP-**
4 **MENT LAND CONVEYANCE.**

5 (a) DEFINITIONS.—In this section:

6 (1) ALLIANCE.—The term “Alliance” means
7 the Scenic Rivers Development Alliance, an instru-
8 mentality of the State of Mississippi.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture.

1 (b) CONVEYANCE.—Subject to the requirements of
2 this section, not later than 180 days after the completion
3 of the appraisal under subsection (d)(2) and the written
4 agreement under subsection (e)(2), the Secretary shall
5 convey by quitclaim deed to the Alliance all right, title,
6 and interest of the United States in and to the surface
7 estate of the National Forest System land generally de-
8 scribed in subsection (c).

9 (c) LAND TO BE CONVEYED.—

10 (1) IN GENERAL.—The National Forest System
11 land referred to in subsection (b) is—

12 (A) the approximately 137.7 acres of real
13 property located in secs. 5 and 6, T. 5 N., R.
14 4 E., and sec. 31, T. 6 N., R. 4 E., Franklin
15 County, Mississippi, as depicted on the map
16 prepared for the Alliance by Marling Surveying,
17 LLC, entitled “Map of Survey of a 137.70 Acre
18 Tract, a Portion of U.S. Department of Agri-
19 culture Forest Service Homochitto National
20 Forest Tracts H-41g & H-307”, and dated Sep-
21 tember 16, 2024; and

22 (B) the approximately 173 acres of real
23 property located in secs. 5, 6, 7, and 8, T. 5
24 N., R. 4 E., Franklin County, Mississippi, as
25 depicted on the map prepared for the Alliance

1 by Marling Surveying, LLC, entitled “Map of
2 Survey of a +/- 173 Acre Tract, a Portion of
3 U.S. Department of Agriculture Forest Service
4 Homochitto National Forest Tracts H-1, H-3b,
5 H-41g & H-307”, and dated September 16,
6 2024.

7 (2) SURVEY.—The exact acreage and legal de-
8 scription of the National Forest System land to be
9 conveyed under this section shall be determined by
10 a survey satisfactory to the Secretary.

11 (d) CONSIDERATION.—The consideration for the con-
12 veyance of any National Forest System land under this
13 section shall be—

14 (1) provided in the form of cash; and

15 (2) in an amount equal to the fair market value
16 of the National Forest System land being conveyed,
17 as determined by an appraisal conducted in accord-
18 ance with the Uniform Appraisal Standards for Fed-
19 eral Land Acquisitions and approved by the Sec-
20 retary.

21 (e) TERMS AND CONDITIONS.—The conveyance
22 under this section shall be subject to—

23 (1) valid existing rights;

1 (2) a written agreement entered into between
2 the Secretary and the Alliance, under which the Alli-
3 ance—

4 (A) agrees to cover the costs of upkeep and
5 maintenance of the Okhissa Lake Dam, includ-
6 ing the dam, spillway, and related water control
7 facilities; and

8 (B) assumes responsibility and liability for
9 compliance with all Federal and State dam
10 safety laws and regulations;

11 (3) the reservations in the United States of
12 easements for public roads and trails, including—

13 (A) a perpetual, nonexclusive road right-of-
14 way 30 feet in width for ingress and egress over
15 all portions of Forest Service Road 149A within
16 any of the conveyed land; and

17 (B) such road and trail rights-of-way as
18 the Secretary may determine to be necessary or
19 desirable to retain public and administrative ac-
20 cess to Okhissa Lake and appurtenant National
21 Forest System land;

22 (4) the reservation in the United States of all
23 mineral rights, oil and gas rights, and all other sub-
24 surface rights in the conveyed land;

1 (5) a right of re-entry reserving to the Sec-
2 retary the right to retake possession and title to the
3 conveyed land in the event the land is subsequently
4 conveyed to a nonpublic entity or used for purposes
5 other than public recreation and fish and wildlife
6 habitat, subject to the condition that, in the event
7 the Secretary exercises such a right of re-entry, the
8 Alliance shall remain liable for the abatement and
9 clean-up of hazardous substances, oil, and any other
10 contaminants;

11 (6) a restrictive covenant against the subdivi-
12 sion of the conveyed land into residential lots; and

13 (7) such other terms and conditions as the Sec-
14 retary considers to be appropriate to protect the in-
15 terests of the United States.

16 (f) PROCEEDS FROM SALE.—

17 (1) IN GENERAL.—The Secretary shall deposit
18 the proceeds of the conveyance of any National For-
19 est System land under this section in the fund estab-
20 lished under Public Law 90–171 (commonly known
21 as the “Sisk Act”) (16 U.S.C. 484a).

22 (2) USE OF FUNDS.—Amounts deposited under
23 paragraph (1) shall remain available until expended,
24 without further appropriation, for the acquisition of

1 land and interests in land for the National Forest
2 System.

3 (g) COSTS.—As a condition for the conveyance under
4 this section, the Secretary shall require the Alliance to pay
5 at closing any reasonable appraisal, survey, and closing
6 costs.

7 (h) ENVIRONMENTAL LAWS.—The Secretary shall
8 not be required to comply with National Environmental
9 Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other
10 applicable environmental law in carrying out the convey-
11 ance under this section.

12 (i) HAZARDOUS MATERIALS.—For purposes of the
13 conveyance under this section, the Secretary—

14 (1) shall meet disclosure requirements for haz-
15 ardous substances, pollutants, or contaminants
16 under section 120(h) of the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act
18 of 1980 (42 U.S.C. 9620(h)); and

19 (2) shall not otherwise be required to remediate
20 or abate those hazardous substances, pollutants, or
21 contaminants.