

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2253

To modify the Mountain Park Project in Oklahoma, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 7), 1994

Mr. NICKLES (for himself and Mr. BOREN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To modify the Mountain Park Project in Oklahoma, 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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Mountain Park Project Act of 1994”.

6 (b) REFERENCES.—Whenever in this Act an amend-  
7 ment or repeal is expressed in terms of an amendment  
8 to, or repeal of, a section or other provision, the reference  
9 shall be considered to be made to a section or other provi-  
10 sion of the Act entitled “An Act to authorize the Secretary

1 of the Interior to construct, operate, and maintain the  
2 Mountain Park reclamation project, Oklahoma, and for  
3 other purposes” (Public Law 90–503, 82 Stat. 853 et  
4 seq.).

5 **SEC. 2. MODIFICATION OF MOUNTAIN PARK PROJECT.**

6 (a) IN GENERAL.—The first section (Public Law 90–  
7 503, 82 Stat. 853) is amended by striking out “and con-  
8 trolling floods.” and inserting in lieu thereof “controlling  
9 floods, and environmental quality activities. As used in  
10 this Act, the term ‘environmental quality activity’ means  
11 any activity that primarily benefits the quality of natural  
12 environmental resources.”.

13 (b) REALLOCATION OF PROJECT COSTS.—The Act  
14 (Public Law 90–503, 82 Stat. 853 et seq.) is amended  
15 by adding at the end the following new section:

16 “SEC. 7. (a)(1) Not later than 180 days after the  
17 date of enactment of the Mountain Park Project Act of  
18 1994, the Secretary of the Interior (referred to in this sec-  
19 tion as the ‘Secretary’) shall—

20 “(A) conduct appropriate investigations to de-  
21 termine environmental quality activities that could  
22 be carried out for the Mountain Park project; and

23 “(B) on the basis of the determination made  
24 under subparagraph (A), make an appropriate  
25 reallocation of the costs of the project under sections

1 2 and 3 (referred to in this section as ‘project costs’)  
2 to accommodate the environmental quality activities  
3 that the Secretary authorizes pursuant to this sub-  
4 section.

5 “(2) In conducting investigations under this sub-  
6 section, the Secretary shall examine the benefits to natural  
7 environmental resources achievable from an environmental  
8 quality activity that requires reallocating of water, using  
9 facilities, or land of the Mountain Park project, including  
10 any of the following activities:

11 “(A) Developing in-stream flows.

12 “(B) Developing wetland habitat.

13 “(C) Any other environmental quality activity  
14 that the Secretary determines to be appropriate to  
15 benefit the overall quality of the environment.

16 “(b)(1) Upon completion of the investigations under  
17 subsection (a)(2), the Secretary shall carry out the follow-  
18 ing:

19 “(A) The preparation of proposed a reallocation  
20 of project costs in conformance with subsection  
21 (a)(1)(B).

22 “(B) Negotiations with the Mountain Park  
23 Master Conservancy District (referred to in this sec-  
24 tion as the ‘District’) to amend the contract exe-  
25 cuted by the District pursuant to this Act to adjust

1 the obligation of the District to repay project costs,  
2 as described in section 2, to reflect the reallocation  
3 of nonreimbursable project costs.

4 “(2) For the purposes of paragraph (1), project costs  
5 associated with an environmental quality activity specified  
6 by the Secretary pursuant to subsection (a)(2) shall be  
7 nonreimbursable project costs.

8 “(c)(1) Notwithstanding any other provision of this  
9 Act, the Secretary is authorized to accept prepayment of  
10 the repayment obligation of the District for the reimburs-  
11 able construction costs of the project allocated to municipi-  
12 pal and industrial water supply for the city of Altus, Okla-  
13 homa, the city of Frederick, Oklahoma, or the city of Sny-  
14 der, Oklahoma (or any combination thereof), and, upon  
15 receipt of such prepayment, the District’s obligation to the  
16 United States shall be reduced by the amount of such  
17 costs, and any security held therefor, shall be released by  
18 the Secretary.

19 “(2) Any prepayment made pursuant to subsection  
20 (c)(1) shall realize to the United States an amount cal-  
21 culated by discounting the remaining repayment obligation  
22 by the interest rate determined in accordance with sub-  
23 section (d).

24 “(d)(1) The Secretary shall determine the interest  
25 rate in accordance with the guidelines set forth in Circular

1 A-129 issued by the office of Management and Budget  
2 concerning loan sales and prepayment of loans. In deter-  
3 mining the interest rate, the Secretary shall equate an ap-  
4 propriate amount of prepayment with the price of the Dis-  
5 trict's obligation if it were to be sold on the open market  
6 to a third party.

7       “(2) If the District uses tax-exempt financing to fi-  
8 nance a prepayment under subsection (c)(1), then the in-  
9 terest rate by which the Secretary discounts the remaining  
10 payments due on the District's obligation shall be adjusted  
11 by an amount that compensates the United States for the  
12 direct or indirect loss of future tax revenues.

13       “(e) Notwithstanding any payment made by the Dis-  
14 trict pursuant to this section or pursuant to any contract  
15 with the Secretary, title to the project facilities shall re-  
16 main with the United States.

17       “(f) Section 3101 of the Reclamation Projects Au-  
18 thorization and Adjustment Act of 1992 (Public Law 102-  
19 575; 106 Stat. 4698) is repealed.

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