

CONSENT OF CONGRESS TO THE HISTORIC CHATTAHOOCHEE COMPACT BETWEEN THE STATES OF ALABAMA AND GEORGIA

NOVEMBER 30, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 2064]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2064) to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SUMMARY AND PURPOSE

H.R. 2064 grants congressional consent to changes made by the Alabama and Georgia legislatures in 1993 to the Historic Chattahoochee Compact between those States to simplify the way the compact-established commission appoints board members.

BACKGROUND AND NEED FOR THE LEGISLATION

Article I, Section 10, Clause 3 of the United States Constitution provides that: "No State shall, without the Consent of Congress \* \* \* enter into any Agreement or Compact with another State, or with a foreign power \* \* \*."

Congressional consent is required for such agreements and compacts in order to ascertain whether they work to the detriment of another State and to ensure that they do not conflict with Federal law or Federal interests.

In 1978, Congress granted its consent to the original compact between the States of Alabama and Georgia which created the His-

toric Chattahoochee Commission (HCC), a bi-State heritage and tourism agency serving eleven Georgia and seven Alabama counties along the lower Chattahoochee River.

The original compact provided that the Commission's 28 board members (14 from each State) shall be appointed "\* \* \* by the historical commission or organization or similar historical body or other designated authority in each of the counties represented by the Commission who shall be bona fide residents and qualified voters of the party states." In some counties, there are no historical or preservation organizations. In other counties, there are two or three historical or preservation organizations. The States found this nomination process for the commission's board to be unduly cumbersome.

In 1993, both the Alabama Legislature (Act 93-643) and the Georgia General Assembly (Act 326) enacted amendments to the Historical Chattahoochee Compact to provide for a simpler and more workable board selection process. These amendments specify that "The Commission shall consist of 28 members who shall be bona fide residents and qualified voters of the party states and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting."

On August 19, 1993, the Alabama Attorney General's office rendered an opinion that the HCC "\* \* \* cannot use the amended version of the enabling legislation to select new board members until the consent of Congress is given by amending Public Law 95-462." On February 2, 1994, the Georgia Attorney General's office issued an opinion that "\* \* \* the Georgia amendment expressly requires that both the Georgia and Alabama amendments of the Historic Chattahoochee Compact be approved by Congress prior to becoming effective. Without such approval, the Commission would have no authority to act under the Georgia or Alabama amendment."

#### HEARINGS

The Committee's Subcommittee on Commercial and Administrative Law held a hearing on H.R. 2064 on October 19, 1995. Testimony was received from U.S. Representative Terry Everett of Alabama.

#### COMMITTEE CONSIDERATION

Following the hearing on October 19, 1995, the Subcommittee on Commercial and Administrative Law met in open session and ordered H.R. 2064 favorably reported without amendment by voice vote, a quorum being present. On October 31, 1995, the Committee met in open session and ordered reported the bill H.R. 2064 without amendment by voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

representatives are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to H.R. 2064, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 3, 1995.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2064, as ordered reported by the House Committee on the Judiciary on October 31, 1995. H.R. 2064 would give Congressional consent to an amendment of the Historic Chattahoochee Compact between the states of Alabama and Georgia. CBO estimates that enacting this legislation would result in no cost to the federal government and no direct cost to state or local governments.

The bill would promote the cooperative development of the Chattahoochee Valley's potential for historic preservation and tourism and would establish a joint interstate authority to assist in these efforts. Enacting H.R. 2064 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this legislation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 2064 will have no significant inflationary impact on prices and costs in the national economy.

## SECTION-BY-SECTION ANALYSIS

*Section 1*

This section grants the consent of Congress to amendments to the Historic Chattahoochee Compact between the States of Alabama and Georgia which establish a new formula for filling vacancies on the board of the Commission created under that compact. Currently, under Article III of the Compact, the board members are appointed by the "historical commission or organization or similar historical body or other designated authority in each of the counties represented by the Commission who shall be bona fide residents and qualified voters of the party states." The amendment consented to in section 1 revises Article III to provide that vacancies shall be filled by majority vote of the voting<sup>1</sup> members of the Commission at a regularly scheduled meeting, and that in addition to being a resident and qualified voter of one of the party states, an individual filing a vacant seat must be a resident and qualified voter in one of the counties served by the Commission.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**ACT OF OCTOBER 14, 1978**

AN ACT Granting the consent of Congress to the Historic Chattahoochee Compact between the States of Alabama and Georgia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is given to the Historic Chattahoochee Compact between the States of Alabama and Georgia which compact reads as follows:

## "HISTORIC CHATTAHOOCHEE COMPACT

["ARTICLE I. The purpose of this compact is to promote the cooperative development of the Chattahoochee Valley's full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.

["ARTICLE II. This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.

["ARTICLE III. The States which are parties to this compact (hereinafter referred to as 'party States') do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the 'Commission'). The Commission shall consist of twenty-eight members who shall be appointed by the historical commission or organization or

<sup>1</sup>Not all members of the Commission are voting members. Under Article III, the Commission may appoint at its discretion "as many advisory members as it deems necessary from any Georgia or Alabama County which is located in the Chattahoochee Valley area." H.R. 2064 does not change this provision.

similar historical body or other designated authority in each of the counties represented by the Commission who shall be bona fide residents and qualified voters of the party State. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. If there are two historical organizations in any of said counties, then one Commission member shall be selected from each organization; if there are more than two organizations in any such county, then the organization shall meet and decide on the designation of members which will represent their respective county. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident of Seminole County, and one shall be a resident of Decatur County. In addition, these 11 Georgia members shall choose three at-large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama county which is located in the Chattahoochee Valley area. The contribution of each party State shall be in equal amounts. If the party States fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission Board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the State making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, renovation and promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30th of each year. Members of the Commission shall serve for terms of office as follows: Of the fourteen Alabama voting members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. The member appointed by the older organization of each county shall serve for the four year term for the initial term of this compact. Upon the expiration of the original terms of office of Alabama members, all successor Alabama voting members shall be appointed for four year terms of office, with seven vacancies in the Alabama voting membership occurring every two years. Of the fourteen Georgia voting members, seven shall serve four year terms and seven two year

terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four and two year terms beginning with Chattahoochee County—four years, Clay County—two years, Decatur County—four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia members shall be appointed for four year terms of office, with seven vacancies in the Georgia voting membership occurring every two years. Of the three Georgia at large Board members, one shall serve a four year term and two shall serve two year terms.

[All board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the members of the Commission. The first chairman of the Commission created by this compact shall be elected by the Board of Directors from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party States in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the Commission.]

“ARTICLE I

*“The purpose of this compact is to promote the cooperative development of the Chattahoochee valley’s full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.*

“ARTICLE II

*“This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.*

“ARTICLE III

*“The States which are parties to this compact (hereinafter referred to as ‘party States’) do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the ‘Commission’). The Commission shall consist of 28 members who shall be bona fide residents and qualified voters of the party States and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident*

*of Seminole County, and one shall be a resident of Decatur County. In addition, there shall be three at-large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama County which is located in the Chattahoochee Valley area. The contribution of each party State shall be in equal amounts. If the party States fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the State making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, preservation, promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30 of each year. Members of the Commission shall serve for terms of office as follows: Of the 14 Alabama members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. Upon the expiration of the original terms of office of Alabama members, all successor Alabama members shall be appointed for four-year terms of office, with seven vacancies in the Alabama membership occurring every two years. Of the 14 Georgia members, seven shall serve four-year terms and seven two-year terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four- and two-year terms beginning with Chattahoochee County, four years, Clay County, two years, Decatur County, four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia members shall be appointed for four-year terms of office, with seven vacancies in the Georgia membership occurring every two years. Of the three Georgia at-large board members, one shall serve a four-year term and two shall serve two-year terms.*

*"All board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the voting members of the Commission. The first chairman of the commission created by this compact shall be elected by the board of directors from among its voting membership. Annually thereafter, each succeeding chairmanship shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party States in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reim-*

*bursement for actual expenses incurred in the performance of the duties of the Commission.*

\* \* \* \* \*

