

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I appreciate the opportunity to rise and speak on behalf of H.R. 1493, a bill to make permanent and expand a very successful pilot program which identifies deportable criminal aliens awaiting arraignment.

□ 1345

Since the pilot program began in November of last year, over 1,400 inmates have been interviewed at the Ventura County Jail. Of that number, almost 60 percent have been found to be deportable criminal aliens. This legislation will make permanent this vital crime-fighting tool, and will also help other affected communities across the Nation.

Like the current pilot program, H.R. 1493 would require the INS to screen for deportable criminal and illegal aliens prior to arraignment, thus preventing the release of these individuals back onto our streets and into our communities.

The bill also calls for a GAO study on expanding the program by allowing INS agents to conduct off-site verification of prisoners using computers or other electronic means.

In our desire to address concerns raised during the hearing on H.R. 1493, the bill was improved in several ways as it moved through the committee process. First, the bill was changed to phase in the pilot program to 100 high-impact counties over a 4-year period. It is important to note that the INS will expand this program only to counties that request to participate. Second, implementation of this expanded program was made subject to funds appropriated. Lastly, the bill was amended in the Committee on the Judiciary to ensure that at least 20 percent of the counties selected will be in the interior of the country.

One of the reasons this program has been so successful, Mr. Speaker, is the fact that it is a point of entry system. It identifies criminal deportable aliens that are booked, not just those serving prison sentences. After being booked or after serving their sentence, deportable criminal aliens are turned over to the INS for detention and deportation. This eliminates the possibility of their release back into our communities.

Equally important is the program's ability to identify criminals prior to their first arraignment before a judge, providing the magistrate with the true identity of the suspect and accurate

criminal record information. Testifying on behalf of H.R. 1493, law enforcement officials from California cited the shocking example of a criminal alien who had been arrested 34 times, including 13 burglaries, and had used 51 different names and 13 different birthdays. Mr. Speaker, there are many instances where, had this pilot program been in place, tragedy would have been averted.

One such incident recently occurred in my district. A criminal alien was sentenced to 25 years to life in prison for murdering in cold blood in daylight a defenseless Santa Paula restaurant owner, Isabela Guzman. The man convicted of this cold-blooded murder had been arrested not once, but three times for assault with a deadly weapon. If this program had been in place at the time of the previous arrests, this killer would have been identified and deported, and Isabela Guzman most likely would be alive today.

The program has been one of the few instances where a Federal program has been tested at the local level and found to be a resounding success. In the area where the program has been operating, local law enforcement and local government officials are very supportive of its continuation and expansion. In addition, the measure has garnered bipartisan support throughout this House.

Mr. Speaker, by enacting H.R. 1493, we are finally able to identify and deport criminal aliens at the time they are arrested and before they are back on our streets committing more violent crimes and destroying lives of countless victims.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1493. Mr. Speaker, this legislation would provide assistance to communities in identifying people who have been arrested who are either deportable criminal aliens or who are unlawfully present in the United States. It builds on successful pilot projects, such as the one in Anaheim, CA, which identified a substantial number of individuals who are either in the United States illegally or who might otherwise be subject to deportation.

The bill would require the Attorney General to detail INS employees to certain selected local government jails and prisons in order to identify prior to arraignment deportable criminal aliens or aliens unlawfully in the United States.

The program will be focused on jurisdictions having high concentrations of aliens who are illegally in this country. It would have the benefit of providing better information to immigration authorities and local governments about the extent to which illegal and criminal aliens are in our criminal justice system and would provide immigration authorities with the information they need to remove those individuals who

should not be in the United States at all, much less to remain here to commit crimes.

I want there to be no mistake, this Nation has benefited tremendously from immigration and from the contribution of the many millions of people who came here from other lands. In my own city of New York, immigrants are rebuilding old neighborhoods right now and contributing to a rebirth of our city. We should welcome and support them, and not confuse those many law-abiding immigrants with the few who would disregard our laws.

But the United States has every right, as do all nations, to expect that its laws will be respected and obeyed. The enforcement of the immigration laws is the responsibility of the Federal Government. The failure of the Federal Government to do so has placed a real burden on some local communities, a burden which the pilot program established by this bill will help alleviate. I urge approval of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California, [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me, and praise the gentleman's authorship of this constructive legislation.

Mr. Speaker, H.R. 1493 expands nationwide the successful prearraignment identification programs currently run by the Immigration and Naturalization Service at the city of Anaheim and Ventura County jails. This means that 100 such programs will be phased in across the United States over the next 4 years.

Under these programs, all criminals booked into a local incarceration facility are identified as either citizens, legal aliens, or illegal aliens by a full-time officer of the Immigration and Naturalization Service who has access to the nationwide INS database. The INS officer is detailed to the facility. Those identified by INS as illegal aliens are deported. This is the most effective way to identify criminal illegal aliens and ensure they are deported and not released back into our communities.

Criminal illegal aliens are an outrage three times over. First, they break our immigration laws by crossing the border illegally or by overstaying of a legitimate visa. Second, all too many of them put our communities at risk by committing crimes. Third, they impose burdens on the taxpayers with the costs of their incarceration in American jails.

The program expanded under H.R. 1493 has worked very successfully in Anaheim and in Ventura County. In its first month the program identified 33 percent of the arrestees at the Anaheim city jail and 66 percent of the arrestees at the Ventura County Jail as criminal illegal aliens. Think of it, 33 percent of those arrested, illegal

criminal aliens. And 66 percent of those arrested, criminal illegal aliens.

Think about that.

The President needs to renegotiate the criminal alien transfer treaties so we can deport them if they are convicted and serve time in their own country. But right now let us pass this useful piece of legislation.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I want to thank the gentleman from New York for yielding time to me.

Mr. Speaker, this is a very appropriate bill, not only for the border States, but also for the entire country. But since I do represent the border State of Texas, I want to share an experience that I have had and why this bill is so important.

In Texas today, the Immigration and Naturalization Service estimates that there are a minimum of about 4,000 undocumented aliens in the State prison system. But that is a minimum. They really do not exactly know, and they think the number is actually much higher, so this is a cost that is being borne by the State taxpayers.

That does not take into account the number of undocumented aliens who are being held in the various municipal and county jails throughout the State of Texas. I am sure the same is true in the State of California and other States around the country.

I want to share with the Members a situation that I had last year that makes this legislation right on point. In my district in Harris County, TX, the third largest county in the country, there are about 10 municipalities, including the city of Houston. But outside the city of Houston, in the city of Pasadena, a community of about 125,000 people, the city mayor and police chief came to me and said that they had a problem.

Their biggest problem was with undocumented aliens that they picked up for various misdemeanor and felony charges, and upon arraignment and release, they would contact, or try and contact, the regional office or the district office of the INS and never be able to get through to anybody to explain to them what was going on and what to do with these individuals who, once being arraigned under State statute, were now subject to Federal immigration statute, but nobody was there to follow through.

After months and months of trying to work with the INS here in Washington, and joining with my colleagues in the Harris County, TX, delegation, we finally were able to obtain some relief in getting more detention beds, going from about 250 detention beds to 750 detention beds for the Harris County area.

But still, it is far insufficient. Of the deportations that occurred last year

from the Harris County region, of the approximately 3,300, 2,200 were those of criminal aliens. So this is a severe problem. This legislation will affect and help cities, not just like the city of Houston, but the cities like Pasadena, Deer Park, LaPorte, and Baytown that I represent.

So I appreciate the fact that the Committee on the Judiciary has moved swiftly on this legislation and brought it up. This is a very serious problem that we have in our country and in our large metropolitan areas. I will work very hard with Harris County in helping them apply for this. I hope they can participate in this. I congratulate both the managers of the bill.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the problems of illegal immigration, while predominant in, are certainly not confined to, California, Texas, and our other border States. Illegal immigration has become a nationwide problem across Interstate 80 from the west and up Interstate 15 from the south. Illegal immigration has infected States within our interior, States like Utah, Wyoming, Nebraska, South Dakota, Iowa, and others. These areas are the new and easy targets of illegal aliens, criminal aliens, who bring drugs with them.

The most recent Salt Lake City police records, for example, indicate that 80 percent of arrests for felony level narcotics violations are undocumented aliens. H.R. 1493, the legislation we are discussing today, expands the pilot program that has been extremely successful in the city of Anaheim to several prisons across the Nation.

It is of particular interest to areas like Salt Lake County. One of the main challenges facing Salt Lake County at this time is inadequate jail space and lack of identification capabilities for aliens arrested by local authorities. By identifying illegal aliens prior to arraignment under this program, they can be deported immediately, rather than held in local jails at the expense of local taxpayers, rather than taking up space better used to hold more violent criminals arrested for committing local crimes, or worse yet, rather than being set free due to lack of jail space, and endangering the local populations.

By identifying illegal aliens, the burden which the Federal Government is currently placing on local entities can be significantly relieved. We live in times of limited resources. I was concerned that States like Utah would not be selected to participate in this very effective program, so during consideration of H.R. 1493 in the Committee on the Judiciary, I was pleased to have the opportunity to work with the gentleman from California [Mr. GALLEGLY], the gentleman from Texas [Mr. SMITH], the gentleman from North Carolina [Mr. WATT], and other distinguished members of the subcommittee

to ensure that our interior States will be able to reap the benefits of this program.

Of the qualified facilities selected across the Nation for participation in the program, 20 percent of those must be located in areas that are not adjacent to a land border. This means that beginning in 1999, of the up to 25 sites selected for participation, about 5 must be located in interior areas with high concentrations of illegal immigration.

While we continue to read report after report of the problems with the Immigration and Naturalization Service, we must lend our support today to a program with a proven track record that will assist our local and State communities to stem the problem of illegal immigration.

□ 1400

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. GALLEGLY]. He has been fighting this battle for a long time. He has taken many arrows and slings on various issues, whether it is 245(i) or other issues that have come before this body dealing with the illegal immigration issue.

Those of us in California know the deleterious effect that illegal immigration is having on our society and the harmful impact it is having on the lives of our citizens.

I rise in strong support of H.R. 1493, a bill that will make permanent and build upon a highly successful INS criminal alien identification program in Anaheim, CA. This program places INS agents at the Anaheim city jail to identify illegal aliens after they have been arrested prior to arraignment, as we have heard. This provides the judge the information a judge will need to prevent a suspect's release if he or she is in this country illegally.

Now, Members should understand the significance of what that means. I am an original cosponsor of H.R. 1493 because I believe it is a commonsense approach in dealing with those who have broken our immigration laws. This legislation will also send a clear message to those who are here illegally that blatantly violate our immigration laws will no longer be rewarding.

In the first 10 months of this year alone, illegal aliens were suspects in 22 percent of Anaheim's, this is the city we are talking about here, Anaheim's murders and 53 percent of all rapes. Illegal aliens made up 1,800 of the total Anaheim arrests so far this year.

It does not surprise me that those who would not respect our immigration laws would disregard the civil and criminal laws of our country as well. Without a program to identify these individuals as illegal aliens, they will be released into our society after they are arraigned. So it is imperative for us to make sure that judges understand who is in this country illegally so that they

will just not be released. These people, if anybody, should be deported.

Contrary to what some Members say, a major reason we have a systematic process for legal immigration to this country is to keep an eye on individuals who we are finding now showing up in our jails. Our attempts last week to defeat 245(i) were defeated. Section 245(i) helps screen out; if we would eliminate that process, illegal aliens were being screened out because they had criminal backgrounds. But with 245(i), sometimes illegal aliens end up in this society. Now we are trying to do this to ensure that there is an identification process.

And one last word, and that is, I congratulate the gentleman from California [Mr. GALLEGLY] and the gentleman from California [Mr. PACKARD] who have worked so hard on this. The INS, under this administration, has been putting up roadblocks for us to try to get these illegal aliens in our jails from being deported from this country. This legislation is a good first step toward deporting illegal immigrants who are committing crimes and attacking our citizens.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

I will comment very briefly, Mr. Speaker. This has nothing to do with section 245(i). I am glad we defeated the attempt to eliminate that last week. The people, in dealing with 245(i), are not criminal aliens, but this bill that does deal with criminal aliens and people who are here illegally, I simply want to commend the bipartisan nature of the cooperation, the bipartisan cooperation with which this bill was drafted and brought to the floor. Hopefully, it will be passed today. I urge all my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would also like to make a point that most of the criminals who have been identified by this program are not first-time offenders. During the first 5 months of the pilot program, data compiled by INS at the Ventura County jail indicated that 70 percent of those identified as criminal or illegal aliens had at least one prior conviction. Most of these convictions were for very serious crimes, including 30 individuals who had prior convictions for aggravated felonies and 61 who had narcotics convictions.

In closing, Mr. Speaker, I would like to refer to the testimony of Richard Bryce, the undersheriff of Ventura County Sheriff's Department. In the subcommittee hearing Mr. Bryce stated, and I quote, to truly understand the benefit of such a program, it is important to realize the type of persons it identifies. The criminals, who the INS agents have determined are illegal aliens, include drug dealers, gang members involved in drive-by shootings, rapists, and murderers. Many of them have a long history of criminal activity.

Mr. Speaker, I thank the gentleman from New York [Mr. NADLER] for his bipartisan approach to working with this legislation, the gentleman from Texas [Mr. BENTSEN] for speaking on it, and many of the other Members on the other side of the aisle. This truly is a piece of bipartisan legislation. I urge my colleagues to join us in supporting this commonsense, crime-fighting legislation.

Ms. SANCHEZ. Mr. Speaker, I rise today to express my strong and full support for H.R. 1493. In addition, I am submitting two letters I received regarding this issue.

In particular, I want to call attention to the fact that this bill will permanently reinstate a criminal alien, prearrest identification program at the detention facility in the city of Anaheim, CA.

This successful INS pilot program has existed in the city of Anaheim since October 1996.

The pilot program has effectively identified 4,500 undocumented criminal aliens in city detention facilities before their initial court appearance. Such suspects often fail to appear for subsequent court proceedings. The INS can then determine which inmates are in the country illegally and therefore subject to deportation.

On February 27, 1997, I wrote the Commissioner of the INS to urge continued operation of the prearrest pilot program which was set to expire in April 1997. In addition, I asked the General Accounting Office to evaluate the cost effectiveness of the project.

On March 14, I received a letter from the city of Anaheim thanking me for supporting the project as well as suggesting criteria for the GAO study.

On April 3, the INS informed me that the program had been extended through June 30, 1997, primarily because of the facts I brought to their attention in support of the program.

Finally, on June 20, 1997, I joined my colleagues in the Orange County congressional delegation in a bipartisan letter to the INS to extend the program. The INS agreed to continue the program indefinitely pending the continuation of appropriated funds.

I have worked diligently on this issue because criminal conduct has no place in our communities. Moreover, undocumented criminal aliens should be quickly and permanently deported.

Not only do I support the permanent deportation of undocumented criminal aliens, I want them caught before they commit crimes and jeopardize our communities. Without Federal assistance in undertaking this law enforcement effort, undocumented criminal aliens could cause undue harm to women, men, and children.

Furthermore, immigration matters such as the determination of the immigration status of aliens is a Federal function.

Local law enforcement should not perform the rightful duties of INS agents. Police must continue to take care when arresting individuals.

Arrests must be based on probable cause and not on some profile based on ethnicity.

The Federal Government should do all it can to avoid burdening state and local police budgets with the cost of identifying, apprehending and deporting undocumented criminal aliens.

As a fiscal conservative, I believe Congress must implement a cost-effective program that deploys INS enforcement officers in the most efficient manner.

I believe the bill would help ensure this is accomplished.

We need to ensure that more criminals are captured earlier, before they have done harm to our people in our districts, and before they end up being a burden to our local law enforcement.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 20, 1997.

Ms. DORIS MEISSNER,
Commissioner, Immigration and Naturalization Service, Chester Arthur Building, Washington, DC.

DEAR COMMISSIONER MEISSNER: As members of Orange County's Congressional Delegation, we ask that you continue the City of Anaheim's Criminal Illegal Alien Pre-Arrest Identification Program after June 30, 1997.

As you indicated in a March 17, 1997, letter to Anaheim City Mayor Tom Daly, "The INS is constantly striving for new and innovative law enforcement initiatives to combat the involvement of foreign nationals in criminal activities. From all reports I have received thus far, the Anaheim project certainly has the potential of becoming such an initiative." The success of this program, and its sister program in Ventura County, has led to the introduction of H.R. 1493, a bill to extend these programs nationwide. The House Immigration and Claims Subcommittee recently held a hearing on H.R. 1493, and plans on moving this bill in the near future.

In light of the fact that the Anaheim program is the only one of its kind in a city jail, and the only means of obtaining data from which Congress can evaluate the merits of this program, we strongly urge you to continue the program.

We look forward to your response to this urgent request.

Sincerely,

DANA ROHRBACHER.
RON PACKARD.
LORETTA SANCHEZ.
CHRIS COX.
ED ROYCE.

CITY OF ANAHEIM, CA,
March 14, 1997.

Hon. LORETTA SANCHEZ,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for your prompt response to our request for your support and endorsement of the continuation of the Anaheim/Immigration and Naturalization Service Pre-arrest Criminal Alien Identification pilot project. We appreciate your request to Commissioner Meissner to continue this effective crime prevention tool.

With respect to the evaluation on the effectiveness of the pilot program, we feel it is important that any assessment include the value of "point of entry" identification and its direct relationship to actual number of suspected criminal illegal alien deportation. Since the inception of Anaheim's pilot program with the INS, 344 criminal aliens were placed directly in deportation proceedings. As you know, the cornerstone of Anaheim's pilot project is a pre-arrest identification program designed to reduce the burden on local law enforcement and the court system. A criminal alien identification program at the County level functions as a post-arrest identification system. As an example, in a County post-arrest program, the 344 criminal aliens identified in Anaheim may have never been identified by INS by the time

they were incarcerated at a County facility, and therefore released. Compounding the problem for local agencies is the "revolving door" phenomenon (repeat offenders using several assumed names) that occurs as a result of the absence of INS expertise at the municipal level. This aspect of the program (pre-arrest identification) is the essence of the program's effectiveness in reducing crime.

In addition to program effectiveness, it is also important to evaluate the current INS enforcement priorities set forth by Congress and the Administration. The number of agents assigned to criminal alien identification programs is insufficient. Reprioritizing of INS programs, policies, and resources would address the Commissioner's concerns regarding the deployment of available agents.

Again, thank you for your consideration and responsiveness to our request. If you or your staff need additional information on the Anaheim pilot project, please do not hesitate to contact us.

Sincerely,

BOB ZEMEL,

Council Member.

TOM TAIT,

Council Member.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1493 which was introduced by my good friend from California, Mr. GALLEGLY. I enjoyed working with my colleague in the drafting of this bill as it addresses issues which seriously affect our home State. This bill will require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and persons unlawfully present in the United States.

The bill directs the Attorney General to detail Immigration and Naturalization Service employees to selected city and county incarceration facilities. This program is different from the Institutional Hearing Program [IHP], which I also strongly support, where INS employees are stationed at State and Federal penal institutions to identify aliens convicted of deportable crimes. The IHP exists so that deportable criminal aliens can be placed into deportation proceedings while incarcerated, and then removed from the United States upon completion of their sentence.

H.R. 1493 will compliment the IHP as it will help identify deportable aliens AFTER arrest and BEFORE arraignment. This prearrest process will identify unlawful residents and persons previously convicted of deportable crimes even if they are never tried for or convicted of the offenses for which they have been arrested. These individuals can then be turned over to the INS for removal from the United States.

This bill is subject to appropriations and participating facilities are phased in over a 4-year period. The CBO has estimated that this program will cost between \$40 million and \$200 million over the 1999–2002 period. I'm sure we can all agree that funding directed toward identifying and deporting criminal aliens is well spent.

Illegal immigration is a Federal problem, but its impact is felt primarily on the local level. It is the responsibility of the Federal Government to allocate resources to combat the many hardships which are in turn thrust upon those at the local level. I will continue to fight for programs which recognize this simple, but vital fact.

I am proud to be a cosponsor of this legislation and I urge my colleagues to support it.

Mr. KIM. Mr. Speaker, I rise today in strong support of H.R. 1493, a bill to authorize the Immigration and Naturalization Service to establish a permanent program to identify criminal illegal immigrants in local jails around the country. I am particularly pleased because this bill is patterned after an enormously successful pilot program that has been in operation in my district since last November.

When I was first elected to Congress in 1992, I immediately began hearing from law enforcement officials in my district about the tremendous burden that criminal illegal immigrants were putting on local jails. In my district and around the country, local authorities have been forced to house and process criminals, only to later find out that some are in the United States illegally, and could have been deported when first identified. Working closely with my congressional colleagues from Orange County, we looked for ways to help local communities solve this problem.

At our insistence, last year's Illegal Immigration Reform and Immigrant Responsibility Act established a pilot program in the Anaheim City Jail that identified, prior to arraignment, illegal immigrants who had been picked up for various crimes. Once identified, the illegal immigrants were immediately placed in deportation proceedings rather than clogging our local judicial system. In just the first 3 months that this program was in effect in Anaheim, INS officials placed holds on 338 inmates, nearly 17 percent of all those the jail processed. These criminal illegal immigrants were then removed into INS deportation proceedings, rather than remaining the responsibility of Anaheim, saving the local government the significant costs associated with housing and processing these criminals.

Because this pilot program was such a success in Anaheim, I am an original cosponsor of the bill we are considering today that would authorize the INS to continue the current program in Anaheim, and institute similar programs in other jails through my district and around the country, in communities with the highest concentration of illegal immigrants. Judging from what I have seen in Anaheim, this is a program that would provide tremendous benefits to many communities that are being inundated with criminal illegal immigrants.

Preventing illegal immigration is a Federal responsibility. Therefore, it is incumbent on the Federal Government to assist local authorities in combating crimes committed by illegal immigrants. I urge all my colleagues to support this bill.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1493, as amended.

The question was taken.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 91) granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact, as amended.

The Clerk read as follows:

H.J. RES. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Apalachicola-Chattahoochee-Flint River Basin Compact entered into by the States of Alabama, Florida, and Georgia. The Compact is substantially as follows:

"Apalachicola-Chattahoochee-Flint River Basin Compact

"The States of Alabama, Florida and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States.

"SHORT TITLE

"This Act shall be known and may be cited as the 'Apalachicola-Chattahoochee-Flint River Basin Compact' and shall be referred to hereafter in this document as the 'ACF Compact' or 'Compact'.

"ARTICLE I

"COMPACT PURPOSES

"This Compact among the States of Alabama, Florida and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACF, engaging in water planning, and developing and sharing common data bases.

"ARTICLE II

"SCOPE OF THE COMPACT

"This Compact shall extend to all of the waters arising within the drainage basin of the ACF in the states of Alabama, Florida and Georgia.

"ARTICLE III

"PARTIES

"The parties to this Compact are the states of Alabama, Florida and Georgia and the United States of America.

"ARTICLE IV

"DEFINITIONS

"For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

"(a) 'ACF Basin' or 'ACF' means the area of natural drainage into the Apalachicola River and its tributaries, the Chattahoochee River and its tributaries, and the Flint River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters 'ACF' and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

"(b) 'Allocation formula' means the methodology, in whatever form, by which the ACF Basin Commission determines an equitable apportionment of surface waters within the ACF Basin among the three states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

"(c) 'Commission' or 'ACF Basin Commission' means the Apalachicola-Chattahoochee-Flint River Basin Commission created and established pursuant to this Compact.