

In the

Supreme Court of the United States

OCTOBER TERM, 1970

No. 49 Original

Supreme Court, U.S.

FILED

FEB 16 1972

F. ROBERT SEAVER, CLERK

STATE OF ILLINOIS, ex rel.
WILLIAM J. SCOTT, Attorney General of Illinois,

Plaintiff,

vs.

CITY OF MILWAUKEE, WISCONSIN, a municipality incorporated under the laws of the State of Wisconsin, and a political subdivision thereof, and

CITY OF KENOSHA, WISCONSIN, a municipality incorporated under the laws of the State of Wisconsin, and a political subdivision thereof, and

CITY OF RACINE, WISCONSIN, a municipality incorporated under the laws of the State of Wisconsin, and a political subdivision thereof, and

CITY OF SOUTH MILWAUKEE, WISCONSIN, a municipality incorporated under the laws of the State of Wisconsin, and a political subdivision thereof, and

THE SEWERAGE COMMISSION OF THE CITY OF MILWAUKEE, a municipality existing under the laws of the State of Wisconsin, and a political subdivision thereof, and

THE METROPOLITAN SEWERAGE COMMISSION OF THE COUNTY OF MILWAUKEE, a municipality incorporated under the laws of the State of Wisconsin, and a political subdivision thereof,

Defendants.

MEMORANDUM BRIEF

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MEMORANDUM BRIEF

[This memorandum is prepared in accordance with a telegram received from Robert E. Seaver, Clerk of the Supreme Court of the United States. The telegram requested a type-written memorandum on the following issue:

“Would Federal or state law govern the substantive issues sought to be presented for decision in original actions such as this one?”]

In our brief heretofore submitted, we respectfully contended that neither the importance nor the urgency of the subject matter of the petition of the State of Illinois required that this Court accept original jurisdiction.

I.

Under the doctrine of *Erie R. Co. vs. Tompkins*, the substantive issues are governed by state law.

In response to the question as to whether Federal or State law governs the substantive issues presented, it is our position that in adherence with prior decisions of this Court and existing Federal Statutes relating to the subject matter, that State law governs.

Erie R. Co. v. Tompkins (1937), 304 U.S. 64, 58 S.C. 817, 82 L. Ed. 1188;

Wallis v. Pan American Petroleum Corp. (1966), 384 U.S. 63, 86 S.C. 1301, 16 L. Ed.(2d) 369;

Guaranty Trust Co. v. York (1945), 326 U.S. 99, 65 S.C. 1464, 89 L.Ed. 2079, 160 A.L.R. 1231.

Under the *Erie* doctrine, this Court decided that Federal Courts are to apply State substantive law whether contained in judicial decision or in statutes. In the instant controversy, the complaint of the State of Illinois charges defendant City of Milwaukee with pollution of Lake Michigan. The allegations relate to questions of State substantive law involving the law of nuisance and the substantive law of torts, as well as the related question of adequacy of remedies provided by the laws of Wisconsin. A substantive issue under State law involves the determination of whether the alleged acts attributable to this defendant are reasonable under all of the circumstances.

The State of Wisconsin has declared its public concern of pollution of waters within and surrounding waters. It has enacted comprehensive statutes and granted power to a centralized State agency to mobilize all of the State's powers and resources to protect the water quality of Lake Michigan and all other water resources. The Wisconsin Statutes created a Department of Natural Resources to protect, maintain and improve the management of the waters of the State and to provide for a comprehensive State enforcement program to abate present and potential sources of water pollution.¹

We respectfully submit that with deference to the doctrine of *Erie R. Co. v. Tompkins, supra*, the State of Illinois may make complaint to the Wisconsin Department of Natural Resources to obtain the corrective action it seeks. This Department is granted broad statutory powers by state law to investigate complaints from any source involving alleged water pollution.

II.

This Court, in the exercise of its discretion, should decline to accept original jurisdiction.

The matters raised by the motion brought by the State of Illinois for leave to file a complaint were considered in a similar case wherein the State of Ohio sought to file a complaint for abatement of a nuisance involving pollution of Lake Erie. We respectfully submit that the same considerations which prompted this Court to decline to entertain the complaint by the State of Ohio are applicable to this case.

¹ We have attached to this Memorandum as Appendix "A" pertinent sections of the existing Wisconsin Statutes.

Ohio v. Wyandotte Chemicals Corp., 401 U.S. 493,
28 L. Ed. (2d) 256, decided March 23, 1971.

In that case, this Court, while noting that a State should not be compelled to resort to the tribunals of another State for redress, nevertheless declined jurisdiction. While there may have been other compelling reasons for that conclusion, we do draw the inference that merely because Illinois is suing Wisconsin municipalities, that fact in and of itself should not prompt the conclusion that it cannot obtain its relief, if entitled thereto, by proceeding under the Statutes of the State of Wisconsin or by pursuing its remedies in the Federal District Court. The decision of this Court in *Wyandotte, supra*, also appears to have been related to the prior decision of this Court in the *Erie R. Co. Case, supra*.

III.

The controlling Federal Statute recognizes the primary responsibilities and rights of the States to prevent and abate water pollution.

We further respectfully contend that State law is applicable. Such contention finds its support in the national policy with respect to prevention and abatement of water pollution as declared by the Congress. The Federal Statutes emphasize cooperation by state groups such as the "Lake Michigan Enforcement Conference" in dealing with pollution. The community of interest that each State has, and their cooperative and joint action, may better achieve a constructive result to deal with pollution.

We respectfully submit that this is the proper remedy to resolve the dispute which Illinois points to in this action. The Federal Statutes offer effective procedures and adequate alternatives.

The principal declaration of Federal policy with respect to water pollution control and prevention is stated in 33 U.S.C. §1151, as follows:

“§1151. Congressional declaration of policy in controlling water pollution; right of States to waters

(a) The purpose of this chapter is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, *it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution*, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. . .” (Emphasis supplied)

Under the above provisions, we draw the conclusion that the primary responsibility for control of water pollution rests with the States.

A compact exists between the State of Wisconsin and the State of Illinois (and other States) for the prevention and control of water pollution in the Great Lakes.²

² For informational purposes only we have made reference to Public Law 90-419, enacted by the 90th Congress as S. 660 (July 24, 1968). We are hereby attaching a copy of the “Great Lakes Basin Compact” as set forth in the Act as Appendix “B”.

Section 1160 (b) of the Federal Water Pollution Control Act (33 U.S.C. §1160) declares the Federal policy to encourage interstate cooperation. The aforementioned section expressly provides that Federal enforcement action “shall not” (except as otherwise provided by or pursuant to court order under subsection (h) of this section) displace either State or cooperative interstate action.

The Governor of an affected State may invoke Federal enforcement procedures under the provisions of §1160 (d). Pursuant to that procedure, a conference is held and a hearing board convened to make findings and recommendations (§1160 (f)). Further provision exists for Federal enforcement by the Attorney General of the United States (§1160 (g)(2)).

In *Connecticut v. Massachusetts* (1931), 282 U.S. 660, 51 S. Ct. 266, 75 L. Ed. 602, this court said:

“For the decision of suits between States, federal, state and international law is considered and applied by this court as the exigencies of the particular case may require. * * *”

We respectfully submit that the exigencies of this case urge that the State law be applied to the substantive issues.

CONCLUSION

We respectfully conclude that under the *Erie R. Co. v. Tompkins* doctrine the substantive issues are covered by State law. The controlling Federal Statutes recognize the primary responsibility and rights of the States to prevent and abate water pollution.

Respectfully submitted,

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APPENDIX "A"

[Pertinent sections of the Wisconsin Statutes]

144.025 Department of natural resources—water resources. (1) STATEMENT OF POLICY AND PURPOSE. The department of natural resources shall serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. Continued pollution of the waters of the state has aroused widespread public concern. It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health, fish and aquatic life, scenic and ecological values and domestic, municipal, recreational, industrial, agricultural and other uses of water. The purpose of this act is to grant necessary powers and to organize a comprehensive program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this act and all rules and orders promulgated pursuant thereto shall be liberally construed in favor of the policy objectives set forth in this act. In order to achieve the policy objectives of this act, it is the express policy of the state to mobilize governmental effort and resources at all levels, state, federal and local, allocating such effort and resources to accomplish the greatest result for the people of the state as a whole. Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for those rivers emptying into Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

(2) POWERS AND DUTIES. (a) The department shall have general supervision and control over the waters of the

state. It shall formulate no later than July 1, 1968, a long-range, comprehensive state water resources plan for each region, as fixed by the department under sub. (4), to guide the development, management and protection of water resources. Such plan shall thereafter be carried out by the department. Such plan shall be reviewed and projected by the department every 2 years and a report thereon submitted to the governor by September 1 of each odd-numbered year. The department also shall formulate plans and programs for the prevention and abatement of water pollution and for the maintenance and improvement of water quality.

(b) The department shall adopt rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Such standards of quality shall be such as to protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water supplies, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.

(c) The department may issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state. Such general orders and rules shall be issued only after an opportunity to be heard thereon has been afforded to interested parties.

Sec. 144.025

(j) The department may enter into agreements with the responsible authorities of other states, subject to approval by the governor, relative to methods, means and measures to be employed to control pollution of any interstate streams

and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but, unless otherwise expressly provided, the department shall be the agency for the enforcement of any such legislative agreement.

144.56 Review of orders. Any owner or other person in interest may secure a review of the necessity for and reasonableness of any order of the department of natural resources in the following manner:

(1) They shall first file with the department a verified petition setting forth specifically the modification or change desired in such order. Such petition must be filed within 60 days of the issuance of the orders sought to be reviewed. Upon receipt of such a petition the department shall order a public hearing thereon and make such further investigations as it shall deem advisable. Pending such review and hearing, the department may suspend such orders under terms and conditions to be fixed by the department on application of any such petitioner. The department shall affirm, repeal or change the order in question within 60 days after the close of the hearing on the petition.

(2) The determination of the department shall be subject to review as provided in ch. 227.

144.57 Penalties. Any person who violates this chapter, or who fails, neglects or refuses to obey any general or special order of the department, shall forfeit not less than \$10 nor more than \$5,000, for each violation, failure or refusal. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, such penalty shall not accrue.

APPENDIX "B"

Public Law 90-419
90th Congress, S. 660
July 24, 1968
AN ACT

Granting the consent of Congress to a Great Lakes Basin Compact, and for other purposes.

Great Lakes
Basin Compact,
Consent of
Congress.

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 hereby given, to the extent and subject to the conditions hereinafter set forth, to the Great Lakes Basin Compact which has been entered into by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin in the form as follows:

"GREAT LAKES BASIN COMPACT

"The party states solemnly agree:

"ARTICLE I

Purposes.

"The purposes of this compact are, through means of joint or cooperative action:

"1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin).

"2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those

portions of the Basin which may have problems of special concern.

“3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.

“4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.

“5. To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively.

“ARTICLE II

Effective
date.

“A. This compact shall enter into force and become effective and binding when it has been enacted by the legislatures of any four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

“State.”

“B. The Province of Ontario and the Province of Quebec, or either of them, may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto. For the purpose of this compact the word ‘state’ shall be construed to include a Province of Canada.

“ARTICLE III

“The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which, for the purposes of this

compact, shall consist of so much of the following as may be within the party states :

“1. Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or man-made water interconnections between or among them.

“2. All rivers, ponds, lakes, streams, and other water-courses which, in their natural state or in their prevailing conditions, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of said lakes.

“ARTICLE IV

Great Lakes
Commission.
Establishment.
Seal.

“A. There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the Commission). In that name the Commission may sue and be sued, acquire, hold and convey real and personal property and any interest therein. The Commission shall have a seal with the words ‘The Great Lakes Commission’ and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Transactions involving real or personal property shall conform to the laws of the state in which the property is located, and the Commission may by by-laws provide for the execution and acknowledgement of all instruments in its behalf.

Personnel.

“B. The Commission shall be composed of not less than three commissioners nor more than five commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serving and subject to removal in accordance with such law.

“C. Each state delegation shall be entitled to three votes in the Commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. Actions of the Commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.

“D. The commissioners of any two or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the Commission unless and until the Commission shall specifically approve the same.

“E. In the absence of any commissioner, his vote may be cast by another representative or commissioner of his state provided that said commissioner or other representative casting said vote shall have a written proxy in proper form as may be required by the Commission.

Election of
officers.

Executive

Director,
appoint.

Duties.

“F. The Commission shall elect annually from among its members a chairman and vice-chairman. The Commission shall appoint an Executive Director who shall also act as secretary-treasurer, and who shall be bonded in such amount as the Commission may require. The Executive Director shall serve at the pleasure of the Commission and at such compensation and under such terms and conditions as may be fixed by it. The Executive Director shall be custodian of the records of the Commission with authority to affix the Commission's official seal and to attest to and certify such records or copies thereof.

“G. The Executive Director, subject to the approval of the Commission in such cases as its by-laws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission’s function. Subject to the aforesaid approval, the Executive Director may fix their compensation, define their duties, and require bonds of such of them as the Commission may designate.

“H. The Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may borrow, accept, or contract for the services of personnel from any state or government or any subdivision or agency thereof, from any inter-governmental agency, or from any institution, person, firm or corporation; and may accept for any of the Commission’s purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency thereof or inter-governmental agency or from any institution, person, firm or corporation and may receive and utilize the same.

Office maintenance.

“I. The Commission may establish and maintain one or more offices for the transacting of its business and for such purposes the Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may acquire, hold and dispose of real and personal property necessary to the performance of its functions.

“J. No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property, transactions, or income of the Commission.

“K. The Commission may adopt, amend and rescind by-laws, rules and regulations for the conduct of its business.

“L. The organization meeting of the Commission shall be held within six months from the effective date of the compact.

Information,
availability.

“M. The Commission and its Executive Director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states.

Reports.

“N. The Commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party state.

“O. The Commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the Commission for the preceding year and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

“ARTICLE V

“A. The members of the Commission shall serve without compensation, but the expenses of each commissioner shall be met by the state which he represents in accordance with the law of that state. All other expenses incurred by the Commission in the course of exercising the powers conferred upon it by this compact, unless met in some other manner specifically provided by this compact, shall be paid by the Commission out of its own funds.

Budget.

“B. The Commission shall submit to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

“C. Each of the Commission’s budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party

states. Detailed commission budgets shall be recommended by a majority of the votes cast, and the costs shall be allocated equitably among the party states in accordance with their respective interests.

“D. The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article IV(H) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article IV(H) hereof, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

Recordkeeping.

“E. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under the by-laws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

“F. The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the Commission.

“ARTICLE VI

Powers.

“The Commission shall have power to:

“A. Collect, correlate, interpret, and report on data relating to the water resources and the use thereof in the Basin or any portion thereof.

“B. Recommend methods for the orderly, efficient, and balanced development, use and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof.

“C. Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof.

“D. Consider means of improving navigation and port facilities in the Basin or any portion thereof.

“E. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.

“F. Recommend policies relating to water resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations.

“G. Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin's water resources to the party states or any of them and to other governments, political subdivisions, agencies or inter-governmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

“H. Consider and recommend amendments or agreements supplementary to this compact to the party states or any of them, and assist in the formulation and drafting of such amendments or supplementary agreements.

“I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sales prices therefor.

“J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.

36 Stat. 2454.

“K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress

and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series, No. 548).

“L. Cooperate with the governments of the United States and of Canada, the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof.

“M. At the request of the United States, or in the event that a Province shall be a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement between the United States and Canada with reference to the Basin or any portion thereof.

“N. Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the Commission by this compact, provided that no action of the Commission shall have the force of law in, or be binding upon, any party state.

“ARTICLE VII

“Each party state agrees to consider the action the Commission recommends in respect to:

“A. Stabilization of lake levels.

“B. Measures for combating pollution, beach erosion, floods and shore inundation.

“C. Uniformity in navigation regulations within the constitutional powers of the states.

“D. Proposed navigation aids and improvements.

“E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wildlife and other water resources.

“F. Suitable hydroelectric power developments.

“G. Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.

“H. Diversion of waters from and into the Basin.

“I. Other measures the Commission may recommend to the states pursuant to Article VI of this compact.

“ARTICLE VIII

“This compact shall continue in force and remain binding upon each party state until renounced by the act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

“ARTICLE IX

“It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a Province, to the British North America Act of 1867 as amended, or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a Province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.”

Report to Congress
and President.

SEC. 2. The consent herein granted does not extend to paragraph B of article II or to paragraphs J, K, and M of article VI of the compact, or to other provisions of article VI of the compact which purport to authorize recommendations to, or cooperation with, any foreign or international governments, political subdivisions, agencies or bodies. In carrying out its functions under this Act the Commission shall be solely a consultative and recommendatory agency which will cooperate with the agencies of the United States. It shall furnish to the Congress and to the President, or to any official designated by the President, copies of its reports submitted to the party states pursuant to paragraph O of article IV of the compact.

79 Stat. 246.

42 USC 1962b-1962b-6

SEC. 3. Nothing contained in this Act or in the compact consented to hereby shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the United States Government or of the Great Lakes Basin Committee established under title II of the Water Resources Planning Act, or of any international commission or agency over or in the Great Lakes Basin or any portion thereof, nor shall anything contained herein be construed to establish an international agency or to limit or affect in any way the exercise of the treaty-making power or any other power or right of the United States.

SEC. 4. The right to alter, or repeal this Act is expressly reserved.

Approved July 24, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1640 (Comm. on Foreign Affairs).

SENATE REPORT No. 1178 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 114 (1968):

June 12: Considered and passed Senate.

July 15: Considered and passed House.

