

88TH CONGRESS
1ST SESSION

H. R. 4439

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Public Works

A BILL

Granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the consent and approval of Congress is given to the
4 Northeastern Water and Related Land Resources Compact,
5 as hereinafter set out. Such compact reads as follows:

6 "NORTHEASTERN WATER AND RELATED LAND
7 RESOURCES COMPACT

8 "ARTICLE I

9 "FINDINGS

10 "The northeastern part of the United States is by virtue
11 of geographic location and other characteristics a great natu-

1 ral resource area which, with more intense use of natural
2 resources, increasingly requires coordinated planning as a
3 basic ingredient of effective resource management and or-
4 derly growth of the region. The work of the New England-
5 New York Inter-Agency Committee demonstrated that a
6 continuation and furtherance of activities such as those under-
7 taken by it would be of great value. To this end, it is the
8 intent of this compact to establish and provide for the opera-
9 tion of a joint agency for the Northeast.

10

“ARTICLE II

11

“PURPOSE

12 “It is the purpose of this compact to provide, in the
13 northeastern region, improved facilities and procedures for
14 the coordination of the policies, programs, and activities of
15 the United States, the several states, and private persons or
16 entities, in the field of water and related land resources, and
17 to study, investigate, and plan the development and use of
18 the same and conservation of such water and related land
19 resources; to provide means by which conflicts may be
20 resolved; and to provide procedures for coordination of the
21 interests of all public and private agencies, persons and en-
22 tities in the field of water and related land resources; and
23 to provide an organization for cooperation in such coordina-
24 tion on both the federal and state levels of government.

1 "ARTICLE III

2 "CREATION OF COMMISSION

3 "There is hereby created the Northeastern Resources
4 Commission, hereinafter called the Commission.

5 "ARTICLE IV

6 "MEMBERSHIP

7 "The Commission shall consist of one member from each
8 party state to be appointed and to serve, in accordance with
9 and subject to the laws of the State which he represents,
10 and seven members representing departments or agencies of
11 the United States having principal responsibilities for water
12 and related land resources development to be appointed and
13 to serve in such manner as may be provided by the laws of
14 the United States.

15 "ARTICLE V

16 "FUNCTIONS

17 "It shall be the responsibility of the Commission to
18 recommend to the states and the United States, or any
19 intergovernmental agency, changes in law or policy which
20 would promote coordination, or resolution of problems, in the
21 field of water and related land resources. The efforts of the
22 Commission in coordination of work and resolution of con-
23 flicts may be directed towards all state and federal activities
24 involved in water and related land resources development

1 responsibilities and shall include the coordination of the fol-
2 lowing:

3 “(1) Collection and interpretation of basic data.

4 “(2) Investigation and planning of water and related
5 land resources projects.

6 “(3) Programming (including scheduling) of water
7 and related land resources construction and development.

8 “(4) Encouraging of the referral of plans or proposals
9 for resources projects to the Commission.

10 “The Commission shall use qualified public and private
11 agencies to make investigations and conduct research in the
12 field of water and related land resources, but if it is unable
13 to secure the undertaking of such investigations or original
14 research by a qualified public or private agency, it shall have
15 the power to make its own investigations and conduct its own
16 research. The Commission may make contracts with any
17 public or private agencies or private persons or entities for
18 the undertaking of such investigations, or original research
19 within its purview.

20 “ARTICLE VI

21 “VOTING

22 “No action of the Commission respecting the internal
23 management thereof shall be binding unless taken at a
24 meeting at which a majority of the members are present
25 and vote in favor thereof: provided that any action not

1 binding for such a reason may be ratified within thirty days
2 by the concurrence in writing of a majority of the Commis-
3 sion membership. No action of the Commission respecting
4 a matter other than its internal management shall be binding
5 unless taken at a meeting at which a majority of the state
6 members and a majority of the members representing the
7 United States are present and a majority of said state mem-
8 bership together with a majority of said members represent-
9 ing the United States vote in favor thereof: provided that
10 any action not binding for such a reason may be ratified
11 within thirty days by the concurrence in writing of a major-
12 ity of the state members and the concurrence in writing of
13 a majority of the members representing the United States.

14 "ARTICLE VII

15 "FINANCES

16 "A. The Commission shall submit to the Governor or
17 designated officer of each party state a request for funds to
18 cover estimated expenditures for such period as may be
19 required by the laws of that jurisdiction for presentation to
20 the legislature thereof. Any such request shall indicate the
21 sum or sums which the Commission has requested or intends
22 to request be appropriated by the United States for the use
23 or support of the Commission during the period covered
24 thereby.

25 "B. With due regard for such monies and other assist-

1 ance as may be made available to it, the Commission shall
2 be provided with such funds by each of the several states
3 participating therein to provide the means of establishing
4 and maintaining facilities, a staff of personnel, and such
5 activities as may be necessary to fulfill the powers and duties
6 imposed upon and entrusted to the Commission.

7 "With due allowance for monies otherwise available,
8 each budget of the Commission shall be the responsibility of
9 the party states, to be apportioned among them on a
10 weighted formula based 50% on population and 50% on
11 gross land area, such population and gross land area to be
12 determined in accordance with the last official U.S. Census
13 of Population, but provided that the last contributions of
14 all of the states shall not be required to exceed \$50,000
15 annually and provided further that regardless of the number
16 of states party to the compact at any time the maximum
17 annual contribution required of any state shall not exceed
18 its share of the \$50,000 as determined above. Any state
19 may contribute such funds in excess of its share, as deter-
20 mined above, as it may desire.

21 "C. The Commission shall not pledge the credit of any
22 jurisdiction. The Commission may meet any of its obli-
23 gations in whole or in part with funds available to it under
24 Article VIII (E) of this compact, provided that the Com-
25 mission takes specific action setting aside such funds prior

1 to the incurring of any obligation to be met in whole or in
2 part in such manner.

3 "D. The members of the Commission shall be paid by
4 the Commission their actual expenses incurred and incident
5 to the performance of their duties, subject to the approval
6 of the Commission.

7 "E. The Commission shall keep accurate accounts of
8 all receipts and disbursements. The receipts and disburse-
9 ments of the Commission shall be subject to the audit and
10 accounting procedures established under its by-laws. How-
11 ever, all receipts and disbursements of funds handled by the
12 Commission shall be audited by a qualified public account-
13 ant and the report of the audit shall be included in and
14 become a part of the annual report of the Commission.

15 "F. The accounts of the Commission shall be open at
16 any reasonable time for inspection by such agency, repre-
17 sentative, or representatives of the jurisdictions which appro-
18 priate funds to the Commission.

19 "ARTICLE VIII

20 "ADMINISTRATION AND MANAGEMENT

21 "A. The Commission may sue and be sued and shall
22 have a seal.

23 "B. The Commission shall elect annually, from among
24 its members, a chairman, vice-chairman and treasurer. The
25 Commission shall appoint an executive director who shall

1 also act as secretary, and together with the treasurer, shall
2 be bonded in such amounts as the Commission may require
3 "C. The Commission shall appoint and remove or a
4 charge such personnel as may be necessary for the per-
5 formance of its functions irrespective of any civil service
6 laws which might otherwise apply. The Commission shall
7 establish and maintain, independently, by contract or agree-
8 ment with the United States or an agency thereof, or in
9 conjunction with any one or more of the party states, suit-
10 able retirement programs for its employees. Employees of
11 the Commission shall be eligible for social security coverage
12 in respect to old age and survivors insurance provided that
13 the Commission takes such steps as may be necessary pur-
14 suant to federal law to participate in such program of
15 insurance as a governmental agency or unit. The Com-
16 mission may establish and maintain or participate in such
17 additional programs of employee benefits as may be ap-
18 propriate to afford employees of the Commission terms
19 and conditions of employment similar to those enjoyed by
20 employees of the party states generally.

21 "D. The Commission may borrow, accept or contract
22 for the services of personnel from any state or the United
23 States or any subdivision or agency thereof, from any inter-
24 governmental agency, or from any institution, person, firm
25 or corporation.

1 "E. The Commission may accept for any of its pur-
2 poses and functions under this compact any and all appro-
3 priations, donations, and grants of money, equipment, sup-
4 plies, materials and services, conditional or otherwise, from
5 any state or the United States or any subdivision or agency
6 thereof, or intergovernmental agency, or any institution, per-
7 son, firm or corporation, and may receive, utilize and dispose
8 of the same.

9 "F. The Commission may establish and maintain such
10 facilities as may be necessary for the transacting of its busi-
11 ness. The Commission may accept, hold, and convey real
12 and personal property and any interest therein.

13 "G. The Commission may adopt, amend, and rescind
14 by-laws, rules, and regulations for the conduct of its business.

15 "H. The Commission shall make and transmit annually,
16 to the legislature and Governor of each party state, and to
17 the President and Congress of the United States, a report
18 covering the activities of the Commission for the preceding
19 year, and embodying such recommendations as may have
20 been adopted by the Commission. The Commission may
21 issue such additional reports as it may deem desirable.

22 "ARTICLE IX

23 "OTHER COMPACTS AND ACTIVITIES

24 "Nothing in this compact shall be construed to impair,
25 or otherwise affect, the jurisdiction of any interstate agency

1 in which any party state participates nor to abridge, impair,
2 or otherwise affect the provisions of any compact to which
3 any one or more of the party states may be a party, nor to
4 supersede, diminish, or otherwise affect any obligation as-
5 sumed under any such compact. Nor shall anything in this
6 compact be construed to discourage additional interstate
7 compacts among some or all of the party states for the
8 management of natural resources, or the coordination of
9 activities with respect to a specific natural resource or any
10 aspect of natural resource management, or for the establish-
11 ment of intergovernmental planning agencies in sub-areas of
12 the region. Nothing in this compact shall be construed to
13 limit the jurisdiction or activities of any participating govern-
14 ment, agency, or officer thereof, or any private person or
15 agency.

16 "ARTICLE X

17 "ENACTMENT

18 "A. This compact shall become effective when entered
19 into and enacted into law by any three of the states of Con-
20 necticut, Maine, Massachusetts, New Hampshire, Rhode
21 Island, and Vermont, and when the United States has
22 provided by law for the designation of its representation
23 on the Commission. Thereafter it shall become effective with
24 respect to any other aforementioned state upon its enacting
25 this compact into law.

1 “B. Upon consent of the Congress of the United States
2 of America, any other state in the northeastern area may
3 become a party to this compact, by entering into and
4 enacting this compact into law.

5 “ARTICLE XI

6 “WITHDRAWAL

7 “This compact shall continue in force and remain bind-
8 ing upon each party state until renounced by it. Renuncia-
9 tion of this compact must be preceded by sending three years’
10 notice in writing of intention to withdraw from the compact
11 to the governor of each of the other states party hereto and
12 to such officers or agencies of the United States as may be
13 designated by federal law.

14 “ARTICLE XII

15 “CONSTRUCTION AND SEVERABILITY

16 “The provisions of this compact shall be severable and
17 if any phrase, clause, sentence or provision of this compact
18 is declared to be unconstitutional or the applicability thereof,
19 to any state, agency, person, or circumstance is held invalid,
20 the constitutionality of the remainder of this compact and
21 the applicability thereof to any other state, agency, person
22 or circumstance shall not be affected thereby. It is the legis-
23 lative intent that the provisions of this compact be reason-
24 ably and liberally construed.”

25 SEC. 2. The consent of Congress is given to any of the

1 States of Connecticut, Maine, Massachusetts, New Hamp-
2 shire, Rhode Island, and Vermont to become a party to the
3 Northeastern Water and Related Land Resources Compact
4 in accordance with its terms.

5 SEC. 3. The President is authorized to appoint seven
6 members, representing, and responsible to the heads of, de-
7 partments or agencies of the United States having principal
8 responsibilities for water and related land resources develop-
9 ment, to the Commission created by the Northeastern Water
10 and Related Land Resources Compact. All such Federal
11 representatives shall be employees of the United States and
12 shall serve without additional compensation.

13 SEC. 4. Nothing in the Northeastern Water and Related
14 Land Resources Compact or in this Act shall be construed
15 as impairing or in any manner affecting any right, power,
16 or jurisdiction of the United States, or any agency thereof,
17 in and over the region which forms the subject of such
18 Compact, or as authorizing the Northeastern Resources Com-
19 mission to impair or in any manner to affect any such right,
20 power, or jurisdiction of the United States, or any agency
21 thereof.

22 SEC. 5. Nothing contained herein shall be interpreted
23 or construed as authorizing an agreement with the Commis-
24 sion by the United States or an agency thereof for participa-

1 tion of any employees of the Commission in any retirement
2 program established for Federal employees.

3 SEC. 6. The right to alter, amend, or repeal this Act
4 is expressly reserved, and no change proposed to be made
5 in the Compact approved by the Act shall become effective
6 until it shall have been approved by Congress.

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