

**BART STUPAK**  
1ST DISTRICT, MICHIGAN

2352 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2201

PHONE: (202) 225-4735  
FAX: (202) 225-4744

<http://www.house.gov/stupak>  
(Email through Website)

SCOTT SCHLOEGEL—CHIEF OF STAFF  
TOM BALDINI—DISTRICT DIRECTOR

July 30, 2008



*Congress of the United States*  
*House of Representatives*  
Washington, DC 20515-2201

COMMITTEE:  
ENERGY AND COMMERCE

SUBCOMMITTEES:  
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CAUCUS LEADERSHIPS:  
LAW ENFORCEMENT CAUCUS, CO-CHAIR  
NORTHERN BORDER CAUCUS, CO-CHAIR  
RURAL CAUCUS

ASSISTANT WHIP

Ambassador Susan C. Schwab  
United States Trade Representative  
600 17th Street, N.W.  
Washington, DC 20508

Dear Ambassador Schwab:

On December 13, 2005, the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin and the Premiers of Ontario and Québec signed the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement. Following the Agreement, the Great Lakes Governors began working on implementing the principles of the Great Lakes Charter Annex of 2001 through the St. Lawrence River Basin Water Resources Compact. The Compact would serve as the necessary framework to help the States and Provinces establish sustainable uses of the Great Lakes.

On July 9, 2008, the State of Michigan signed onto the St. Lawrence River Basin Water Resources Compact, taking the first step to ratifying this interstate water compact. Should the Compact receive approval from Congress, it would be considered both federal and state law for the Great Lakes states.

Before Congress acts on the Compact, I have a few concerns regarding the Compact's ability to prevent Great Lakes water from being exported commercially in large quantities. In specific, ratifying the Compact could allow Great Lakes' water to no longer be held within the public trust, but instead be defined as a product for commercial use.

The Compact defines a product as "*something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product.*"

As Congress begins reviewing the Compact, I urge the Office of the United States Trade Representative to review the Compact and provide a response to the following questions.

PLEASE REPLY TO:

- 616 SHELDON HOUGHTON, MI 49931 (906) 482-1371
- 2 SOUTH 6TH STREET SUITE 3 CRYSTAL FALLS, MI 49920 (906) 875-3751
- 1229 WEST WASHINGTON MARQUETTE, MI 49855 (906) 228-3700
- 902 LUDINGTON STREET ESCANABA, MI 49829 (906) 786-4504
- 200 DIVISION STREET PETOSKEY, MI 49770 (231) 348-0657
- 111 EAST CHISHOLM ALPENA, MI 49707 (989) 356-0690
- 575 COURT STREET WEST BRANCH, MI 48661 (989) 345-2258

DISTRICT TOLL FREE: 800-950-REPI (7371)

PRINTED ON RECYCLED PAPER

Will creating a federal definition that exempts water of the Great Lakes Basin from the diversion ban when it is transferred out of the Basin as "product" ever make it subject to international trade law?

Will enacting the Compact provide legal protections for international corporations to export Great Lakes water?

Should a Great Lakes state seek to restrict or prohibit an international corporation from commercially exporting Great Lakes water in containers less than 5.7 gallons in volume, would this action be subject to claims under the General Agreement on Tariffs and Trade or the World Trade Organization?

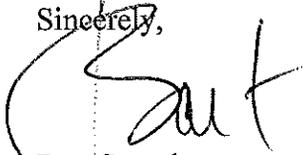
Will the Compact's bulk water provision, which allows water to be exported as a product in containers of 5.7 gallons or less, ever be subject to claims under the General Agreement on Tariffs and Trade or the World Trade Organization?

Will the Compact's exemption of water in a container smaller than 5.7 gallons affect the prohibition on diversions or exports of water out of the Great Lakes Basin under the Federal Water Resources Act of 1986, as amended in 2000?

As the largest body of freshwater in the world, it is imperative that legal protection at the state and federal level work to preserve and restore the quality and quantity of Great Lakes water. While I understand that a dispute of this nature has not occurred historically, I am seeking to clarify if international trade law and obligations will have any jurisdiction should we enact the Compact into federal law.

I appreciate your prompt reply. If you have any questions, please contact Ernesto Falcon with my staff at 202-225-4735.

Sincerely,

A handwritten signature in black ink, appearing to read "Bart Stupak", written over a vertical dotted line.

Bart Stupak  
Member of Congress  
BTS/eof

**BART STUPAK**  
1ST DISTRICT, MICHIGAN



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SCOTT SCHLOEGEL—CHIEF OF STAFF  
TOM BALDINI—DISTRICT DIRECTOR

July 30, 2008

Chairwoman Irene B. Brooks  
International Joint Commission  
2401 Pennsylvania Avenue, NW  
Fourth Floor  
Washington, DC 20440

Dear Chairwoman Brooks:

On December 13, 2005, the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin and the Premiers of Ontario and Québec signed the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement. Following the Agreement, the Great Lakes Governors began working on implementing the principles of the Great Lakes Charter Annex of 2001 through the St. Lawrence River Basin Water Resources Compact. The Compact would serve as the necessary framework to help the States and Provinces establish sustainable uses of the Great Lakes.

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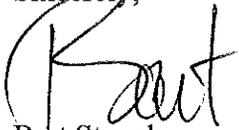
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I appreciate your prompt reply. If you have any questions, please contact Ernesto Falcon with my staff at 202-225-4735.

Sincerely,

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Member of Congress  
BTS/eof

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RURAL CAUCUS

ASSISTANT WHIP

July 30, 2008

Under Secretary Reuben Jeffery III  
Economic, Energy, and Agricultural Affairs  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Under Secretary Jeffery:

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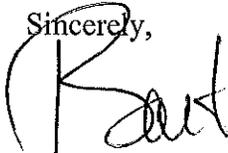
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