

# INTERSTATE PRODUCTIVE CAPACITY WATERWAYS COMPACT

A compact among the Western and Interior States, with the consent of Congress  
Complementary to the American Productive Capacity Authority Act and the American  
Productive Capacity Waterways Restoration and Connection Act  
Drafted 2026-06-26

**LEGISLATURES OF THE COMPACTING STATES  
AND THE CONGRESS OF THE UNITED STATES**  
2026-2027

MODEL ACT, to be enacted in identical form by each compacting State and submitted  
for the consent of the Congress under Article I, Section 10, Clause 3 of the  
Constitution of the United States.

## A COMPACT FOR AN ACT

CONCERNING THE FORMATION, BY THE STATES MOST AFFECTED BY WESTERN WATER SCARCITY,  
OF AN INTERSTATE COMPACT TO BUILD AND OPERATE THE WESTERN WATER MISSION THEMSELVES  
IN THE EVENT THAT THE FEDERAL AMERICAN PRODUCTIVE CAPACITY WATERWAYS RESTORATION  
AND CONNECTION ACT IS NOT ENACTED OR NOT FUNDED; THE ESTABLISHMENT OF A WESTERN  
WATERS PRODUCTIVE CAPACITY COMMISSION ON THE DELAWARE RIVER BASIN COMPACT MODEL;  
THE DIRECTION OF ROBOTIC PRODUCTIVE CAPACITY TO SOLAR-DESALINATION SOURCING,  
PIPELINE AND AQUEDUCT CONVEYANCE, NET-ENERGY-POSITIVE HYDROELECTRIC RECOVERY, AND  
GRADUATED REACH-SIZED DISTRIBUTION; AND THE PRESERVATION OF EXISTING WATER LAW,  
TRIBAL CONSENT, AND LICENSED HUMAN ENGINEERING JUDGMENT.

## LONG TITLE

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A MODEL ACT establishing the Interstate Productive Capacity Waterways Compact among the coastal Pacific States of Washington and Oregon and the water-scarce interior States of Arizona, Nevada, Utah, New Mexico, Colorado, Kansas, and Nebraska, open to the accession of any other State; to declare that the Compact is formed on the express assumption that the federal American Productive Capacity Waterways Restoration and Connection Act has not been enacted or not funded, so that the States most harmed by water scarcity may act for themselves rather than wait; to establish a Western Waters Productive Capacity Commission on the model of the Delaware River Basin Compact of 1961, in which a group of States, and the United States if it elects to join, act as partners in a single river-and-water authority; to direct the robotic productive capacity organized under the American Productive Capacity Authority Act, or under the several State Productive Capacity Authorities, to a water mission of solar-powered desalination and lift, pipeline and aqueduct conveyance, net-energy-positive hydroelectric recovery, water sourcing and drought storage, graduated distribution sized to each river reach so as not to scour it, managed aquaculture, and habitable living area along the new water; to finance the mission by Compact revenue bonds on the model of the Port Authority of New York and New Jersey; to preserve in full the Colorado River Compact of 1922, the prior-appropriation water law of the member States, federal reserved and Tribal water rights, and the consent of affected Tribes; to keep all siting, design, and approval in the hands of licensed civil engineers, hydrologists, and ecologists; to request the consent of the Congress under the Compact Clause; and to provide for accession, amendment, a duration measured by completion of the mission, and effective dates.

#### RATIFICATION AND CONSENT NOTE

**FORMATION:** This Compact takes effect among the States that enact it in identical form, upon enactment by not fewer than four States including at least one Pacific coastal State, and upon the consent of the Congress of the United States.

**COMPACT CLAUSE:** Article I, Section 10, Clause 3 of the Constitution provides that no State shall, without the consent of Congress, enter into any agreement or compact with another State. The consent of Congress may be given in advance or after the fact, and a compact to which Congress has consented becomes a law of the United States, as confirmed in *Cuyler v. Adams*, 449 U.S. 433 (1981).

**MODEL PRECEDENTS:** The Colorado River Compact of 1922, signed at Santa Fe, New Mexico on November 24, 1922 pursuant to the Act of Congress of August 19, 1921 and ratified and modified by the Boulder Canyon Project Act of 1928, is the standing proof that the Western States allocate and govern shared water by compact. The Delaware River Basin Compact, effective October 27, 1961, is the proof that a group of States, joined by the federal government as an equal partner, may build and operate a single water authority across State lines. The New York-New Jersey Port Authority Compact of 1921 is the proof that a compact agency may finance and build major infrastructure by its own revenue bonds.

**CONSTITUTIONAL BASIS FOR THE STATES:** The reserved powers of the several States under the Tenth Amendment, the police power over the health and safety of their residents, and the Compact Clause.

## COMPACT DECLARATION

The compacting States, recognizing that the productive capacity to end water scarcity in the American West now exists, and that the federal instrument to direct it has not been enacted or not funded, resolve to build the western water mission themselves, as partners, under the consent of the Congress, and to invite the United States and every other State to join them.

### ARTICLE I. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE. This Act may be cited as the Interstate Productive Capacity Waterways Compact.

(b) DEFINITIONS. In this Compact:

- (1) "COMMISSION" means the Western Waters Productive Capacity Commission established under Article III.
- (2) "MEMBER STATE" means a State that has enacted this Compact in identical form and for which the Compact is in effect.
- (3) "PRODUCTIVE CAPACITY" means the robotic manufacturing and construction capacity organized under the American Productive Capacity Authority Act or under a State Productive Capacity Authority.
- (4) "THE MISSION" means the western water mission described in Article V.
- (5) "REACH" means a defined segment of a river or conveyance with a measured carrying capacity.

### ARTICLE II. FINDINGS.

The compacting States find as follows:

- (1) THE FEDERAL INSTRUMENT HAS NOT ARRIVED. The American Productive Capacity Waterways Restoration and Connection Act, which would direct national robotic capacity to the western water mission, has not been enacted or not funded. The States most harmed by water scarcity will not wait on a federal timetable they do not control.

(2) **THE SHORTAGE IS MEASURED AND PRESENT.** The Bureau of Reclamation has declared the Lower Colorado River Basin in shortage, and federal proposals contemplate reductions of a large fraction of current Colorado River supply to the Lower Basin States. The harm is not forecast. It is current.

(3) **THE AFFECTED STATES DIVIDE INTO TWO COMPLEMENTARY GROUPS.** The Pacific coastal States of Washington and Oregon hold abundant Pacific seawater and large coastal and Columbia-basin energy and water resources from which fresh water can be produced and lifted inland. The interior States of Arizona, Nevada, Utah, New Mexico, Colorado, Kansas, and Nebraska hold the scarcity and the need. A compact that joins the coastal source to the interior need is the natural unit of action.

(4) **THE PRODUCTIVE CAPACITY EXISTS.** Robotic manufacturing and construction capacity at the replication threshold (Cooper, Historical Apoplexy 2025-2026) makes labor-intensive water engineering, long abandoned as too costly in human labor, buildable again. The compacting States intend to direct that capacity to water.

(5) **WATER LAW IS PRESERVED, NOT DISPLACED.** Nothing in the Mission requires the member States to surrender the Colorado River Compact of 1922, their prior-appropriation water law, or any federal reserved or Tribal water right. The Mission adds new water by desalination and recovery; it does not re-divide existing water.

#### ARTICLE III. THE WESTERN WATERS PRODUCTIVE CAPACITY COMMISSION.

(a) **ESTABLISHMENT.** There is established the Western Waters Productive Capacity Commission, a body corporate and politic of the member States, on the model of the Delaware River Basin Commission.

(b) MEMBERSHIP. The Commission consists of one commissioner for each member State, appointed as that State provides. The United States, if it consents to join as an equal partner on the Delaware model, shall have one commissioner appointed by the President.

(c) POWERS. The Commission may plan, contract for, build, own, operate, and maintain the works of the Mission; issue revenue bonds on the model of the Port Authority of New York and New Jersey; set and collect charges for water and power it produces; employ licensed professionals; and coordinate with the American Productive Capacity Authority, the Army Corps of Engineers, the Bureau of Reclamation, and the Environmental Protection Agency.

(d) LIMITS. The Commission may not condemn or reallocate a member State's existing water entitlement, override a Tribe's consent, or proceed with any work that a licensed engineer of record has not sited, designed, and approved.

#### ARTICLE IV. MEMBER STATES AND ACCESSION.

(a) FOUNDING STATES. The Compact is offered to Washington, Oregon, Arizona, Nevada, Utah, New Mexico, Colorado, Kansas, and Nebraska.

(b) ACCESSION. Any other State, including Wyoming, Idaho, Oklahoma, and the high-plains States, may accede by enacting this Compact in identical form. The Commission shall admit an acceding State on terms of equal partnership.

(c) THE UNITED STATES. The United States is invited to join as an equal partner on the Delaware River Basin Compact model. The Mission proceeds whether or not the United States joins.

#### ARTICLE V. THE MISSION.

The Commission shall direct productive capacity to the following works, mirroring the engineering of the federal Waterways Act so that the two are compatible if the federal Act is later enacted:

(a) SOLAR-DESALINATION SOURCING AND LIFT. The Commission shall build solar-powered desalination and lift works on the Pacific coast of Washington and Oregon and at interior points. The lift works may take the form of large solar-collecting structures of stadium scale, the word stadium used only as a size reference and not as a stadium, that both desalinate and raise water to altitude for gravity conveyance inland.

(b) CONVEYANCE. The Commission shall convey water by a combination of open aqueduct and closed pipeline, choosing per reach for loss, terrain, and ecology.

(c) NET-ENERGY-POSITIVE HYDROELECTRIC RECOVERY. The Commission shall place hydroelectric points of development along the descending conveyances, on the model of conduit and aqueduct hydropower, so that the Mission moves toward net energy positive as the solar lift fleet grows.

(d) GRADUATED REACH-SIZED DISTRIBUTION. The Commission shall size every delivery to the measured carrying capacity of its reach so as not to scour the channel or flood the receiving ground, releasing water in graduated steps matched to each reach.

(e) WATER SOURCING AND DROUGHT STORAGE. The Commission shall add storage, managed recharge, and recycling to strengthen the member States against drought, drawing on new desalinated water and never by taking another State's existing entitlement.

(f) **MANAGED AQUACULTURE.** The Commission shall open continuously managed aquaculture along the new water to the businesses of the member States, within the regulation of each State's fish-and-wildlife authority.

(g) **HABITABLE LIVING AREA.** The Commission may develop habitable living area along the new and restored water, in coordination with each State and its local governments.

(h) **THE LESSONS OF VENICE.** The Commission shall build in the engineering lessons of Venice against subsidence, flooding, water stagnation, and wake erosion.

#### ARTICLE VI. ROBOTIC PRODUCTIVE CAPACITY AND THE HUMAN PROFESSIONS.

(a) **THE LABOR.** The continuous labor of the Mission shall be supplied by the robotic productive capacity of the American Productive Capacity Authority or of the member States' Productive Capacity Authorities, organized as the Civic Robot Corps.

(b) **THE JUDGMENT.** The licensed civil engineers, hydrologists, ecologists, and surveyors of the member States hold the judgment. No work proceeds without a licensed engineer of record. The robots supply the hands; the professions supply the design.

#### ARTICLE VII. FINANCE.

(a) **COMPACT REVENUE BONDS.** The Commission may finance the Mission by revenue bonds secured by the charges it collects for water and power, on the model of the Port Authority of New York and New Jersey, without pledging the general credit of any member State unless that State separately elects to pledge it.

(b) **COST-SHARING BY BENEFIT.** Construction and operating costs shall be shared among the member States in proportion to the water and power each receives, as the Commission determines by formula.

#### ARTICLE VIII. WATER LAW, TRIBAL CONSENT, AND ENVIRONMENT.

(a) **EXISTING LAW PRESERVED.** This Compact does not amend the Colorado River Compact of 1922, the prior-appropriation law of any member State, or any federal reserved or Tribal water right.

(b) **TRIBAL CONSENT.** No work shall touch a Tribe's land, water, or sacred site without that Tribe's consent. Pyramid Lake, tribal Colorado River allocations, and all reserved rights are preserved.

(c) **ENVIRONMENTAL REVIEW.** Every work is subject to environmental review and to the integrity standard of the Clean Water Act of 1972 (33 U.S.C. 1251), whether or not the United States has joined the Commission.

#### ARTICLE IX. CONGRESSIONAL CONSENT AND RELATION TO FEDERAL LAW.

(a) **CONSENT REQUESTED.** The member States request the consent of the Congress under Article I, Section 10, Clause 3. Consent may be given in advance or after the fact.

(b) **FEDERAL LAW.** Upon the consent of Congress, this Compact becomes a law of the United States, as confirmed in *Cuyler v. Adams*, 449 U.S. 433 (1981), and shall be construed in harmony with the American Productive Capacity Waterways Restoration and Connection Act if that Act is enacted.

#### ARTICLE X. ACCESSION, AMENDMENT, WITHDRAWAL, AND DURATION.

(a) **AMENDMENT.** This Compact may be amended only by identical enactment in every member State and, where required, the renewed consent of Congress.

(b) **WITHDRAWAL.** A member State may withdraw on two years written notice, subject to its share of obligations already incurred.

(c) DURATION. This Compact continues until the Mission is complete, meaning until the member States are secured against water scarcity by the works it builds, after which the Commission shall continue only to operate and maintain those works.

ARTICLE XI. EFFECTIVE DATE.

This Compact takes effect among the enacting States upon enactment by not fewer than four States including at least one Pacific coastal State and upon the consent of the Congress, and as to each later acceding State upon its enactment.

ARTICLE XII. SEVERABILITY.

If any provision of this Compact is held invalid, the remainder, and the application of the provision to other circumstances, shall not be affected.

END OF COMPACT