

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS
International Joint Commission
International Boundary Commission
Border Environment Cooperation Commission

Proposed Appropriation Language

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and *for* the Border Environment Cooperation Commission as authorized by Public Law 103–182, [~~\$12,608,000~~]*\$12,355,000: Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses. (*Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.*)

INTERNATIONAL JOINT COMMISSION

Resource Summary

(\$ in thousands)

Appropriations	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
Positions	24	24	24	0
Funds	7,559	8,000	7,631	(369)

Program Description

The Boundary Waters Treaty of 1909 (BWT) established the International Joint Commission (IJC) as a cornerstone of United States – Canada relations in the boundary region. The IJC has fine-tuned a successful model for preventing and resolving disputes that is unbiased, scientifically based, inclusive, and open to public input. Under the BWT, the IJC licenses and regulates uses, obstructions, or diversions of boundary waters in one country that affect water levels and flows on the other side of the boundary. The IJC provides advice to and conducts studies at the request of the United States and Canadian governments on critical issues of joint concern, and apportions waters in transboundary river systems. The IJC also alerts the governments to emerging issues that might have negative impacts on the quality or quantity of boundary waters and brings to the attention of senior officials the latest developments in science, engineering, and administration that could benefit the management, security, or conservation of water-related natural resources. Other treaties, agreements, and conventions direct the IJC to assess progress in restoration of water quality in the Great Lakes, and, in specified transboundary basins, to respond quickly to emergency water level conditions, apportion flows and approve diversions. The IJC also assists the governments in efforts to prevent transboundary air pollution and improve air quality.

Led by three commissioners from each country, the IJC operates through small section staffs in Washington, D.C. (U.S. funded) and Ottawa, Canada (Canadian funded) and a binational Great Lakes Regional Office in Windsor, Canada (jointly funded). Currently, 20 active boards and task forces, plus various related technical working groups and committees, provide expert advice on both science and policy issues. Approximately 300 professionals from within government agencies, universities, nonprofit agencies, and industry carry out this work in their personal and professional capacities and not as representatives of their respective organizations or countries.

The Boundary Waters Treaty gives the IJC the responsibility to approve applications for and oversee the operation of hydropower dams and other infrastructure projects in waters along the U.S.-Canadian border to suitably protect all interests from potential adverse effects of these projects. When the IJC approves such projects, a binational board typically is established to oversee construction and operation of the project. The board assures that treaty requirements are met and helps the IJC carry out its regulatory functions. As required, the IJC conducts studies to review the operational criteria for projects under IJC jurisdiction. In addition, the BWT provides that the U.S. and Canadian governments may refer questions or matters of difference to the IJC for examination and report. When such a “reference” is received, the IJC appoints an investigative board or task force for advice on the matters addressed in the reference. Since the establishment of the IJC, the two governments have requested, on more than 120 occasions, that the Commission review applications for projects affecting boundary waters and undertake studies, or “references,” on critical issues about which they disagree or on which they seek the advice of the IJC.

The IJC supports three of the Department’s performance goals -- close, strong, and effective U.S. ties with allies, friends, partners, and regional organizations; the containment or resolution of existing and emergency regional conflicts; and the development of partnerships, initiatives, and implemented

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international treaties and agreements that protect the environment and promote efficient energy use and resource management. The IJC's annual project agenda consists of scientific and technical studies performed at the request of the two national governments, some known in advance, others requested during the course of the fiscal year.

A long-term program goal is to ensure that the IJC's ability to address existing and emerging issues remains strong, thereby helping governments prevent and resolve disputes. The IJC must maintain its ability to respond to references issued by the two governments, and to address issues early and, as much as possible, at the local level so that more substantive transboundary controversies are averted and the need for formal references avoided. A short-term program goal toward this end is steady progress in ensuring scientific, technical and institutional capacity. The structure of the Commission's boards and task forces is a critical component of this capacity, providing a forum for relevant agencies, academics, industry representatives, and others in both countries to bring their scientific and technical expertise to bear, to address emerging issues, and to discuss these issues with the local public. In FY 2009, the IJC and its 20 boards and task forces held 59 meetings to address issues under their purview, including some 30 public consultation sessions in communities along or near the international boundary, and 60 reports were issued under the auspices of the IJC providing information on work undertaken by the Commission.

A second long-term program goal is to ensure that the requirements for the design, construction and operation of facilities affecting international water levels and flows remains relevant for current and anticipated conditions. A short-term goal within this context is to ensure steady progress in reviewing the IJC's decades-old international approvals in light of changed social, technical and climatic conditions.

Justification of Request

The FY 2011 request of \$7.631 million for the International Joint Commission reflects a decrease of \$369,000 from the FY 2010 estimate.

Funding decreases from the FY2010 Budget estimate represent reductions to the Upper Great Lakes Study examining the regulation of Lake Superior outflows and their water levels and flow impacts (-\$600,000). This study will be in its fifth and final year. The Osooyos Lake Study (-\$22,000) will be in its fourth and final year.

Requested funding increases consist of the following:

- 1) \$143,000 for the Great Lakes Regional Office to cover inflation and exchange rate fluctuations;
- 2) \$60,000 for increased water monitoring by the U.S. Geological Survey to cover inflation and additional gauging stations;
- 3) \$25,000 to support Lake Ontario-St. Lawrence River working group activities;
- and 4) \$25,000 to support extensive IJC public review process under the U.S.-Canada Air Quality Agreement. The IJC is charged with leading a public review of the government's biennial agreement review.

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Funds by Program Activity

(\$ in thousands)

Activities	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
Program Expenses	7,559	8,000	7,631	(369)
Special & Technical Investigations by U.S. Geological Survey	1,284	750	750	0
U.S. Section	6,275	7,250	6,881	(369)
Total	7,559	8,000	7,631	(369)

Funds by Object Class

(\$ in thousands)

	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
1100 Personnel Compensation	2,002	2,685	2,832	147
1200 Personnel Benefits	432	667	712	45
2100 Travel & Trans of Persons	288	404	436	32
2300 Rents, Comm & Utilities	352	178	181	3
2400 Printing & Reproduction	16	91	54	(37)
2500 Other Services	4,223	3,360	3,211	(149)
2600 Supplies and Materials	20	87	75	(12)
3100 Personal Property	149	155	100	(55)
4100 Grants, Subsidies & Contrb	77	373	30	(343)
Total	7,559	8,000	7,631	(369)