Yesterday, more than six months into Fiscal Year 2011, the U.S. House and Senate approved FY11 spending legislation to fund the operations of the federal government through September 30, 2011, or the end of this fiscal year. In back-to-back floor votes, the House passed the bill with bipartisan vote of 260 to 167 while the Senate passed it by a vote of 81 to 19. President Obama supports the deal and is expected to sign the bill into law today.

The spending bill was drafted this week based on a bipartisan plan negotiated by President Obama, House Speaker John Boehner, and Majority Leader Harry Reid, agreed to at the midnight hour on Friday, April 8, and effectively averting an imminent government shutdown. The bill cuts a total of $38.5 billion from both mandatory and discretionary spending accounts compared to FY10 levels. Compared to other areas of the government, science agencies are subject to small reductions, reflecting the restrained fiscal climate, but also demonstrating bipartisan congressional support for R&D. However, some specific cuts are significant:

- **NSF** is funded at $6.874 billion, $53 million or **0.8% less** than the level at which it was funded in FY10. However, taking into account $53 million that was transferred from the NSF to the Coast Guard in FY10 for icebreaking services, NSF is essentially being flat funded in FY11.

- **NOAA** is funded at $4.52 billion, $152 million or **3.0% less** than the level at which it was funded in FY10. Operations, Research, and Facilities is funded at $3.185 billion, $119 million or 3.6% less, and Procurement, Acquisition, and Construction is funded at $1.335 billion, $23 million or 1.7% less. Of note, **funding to keep the development of the Joint Polar Satellite System (formerly NPOESS) on track was not appropriated for FY11. Development can be expected to be delayed at least 18 additional months.**

- **NASA** is funded at $18.485 billion, $239 million or **1.3% less** than the level at which it was funded in FY10. The bill removes restrictions on the human space flight program, allowing NASA to move forward with its replacement of the Constellation rocket development program as authorized in the NASA Authorization Act passed this fall.

- **DOE Office of Science** is funded at $4.884 billion, $35 million or **0.7% less** than the level at which it was funded in FY10.

In addition, the budget negotiations that led to the bill covered a number of issues that are directly relevant to the scientific community. In some cases, the bill includes new restrictions on science agencies and/or the President, and in other cases restrictions were discussed by dropped in the final deal. Here's what made it into the bill:
• **NOAA is prohibited from establishing or implementing a Climate Service in FY11.** As you know, NOAA has had plans for more than a year now to create a Climate Service line office that builds on current climate research capacities to provide authoritative and timely climate information and other service products to users who need help preparing for the impacts of coming climatic changes. NOAA's plans will now have to be on hold until Congress gives it the green light, either through authorizing legislation or implicit authorization in an annual appropriations bill. Funding for a NOAA Climate Service is in the President's FY12 budget request, so we expect this will be a major topic of conversation as the FY12 budget process unfolds.

• **NASA and the White House Office of Science and Technology Policy (OSTP) are prohibited from working in any way with China or Chinese companies without specific authorization through a new law.** The restriction applies to any effort to "develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company." This refers to contracts, not grants.

• **Multilateral Assistance to the U.N. International [we are sure they mean, Intergovernmental] Panel on Climate Change (IPCC) & U.N. Framework Convention on Climate Change (UNFCCC) is capped at a combined level of $10 million.** For this item, the President had budgeted $12.5 million, and in FY10 it received $9 million and in FY09 it received $13 million. In other words, even though our contributions to these programs has been capped in the bill, the amount is not far off from what our contribution has been in recent years.

• **The Administration is prohibited from paying the salary of an Assistant to the President on Climate Change and Energy.** This effectively precludes the President from rehiring someone to fill Carol Browner's former position, a role that was known inside the beltway as 'climate czar.' In that role, Carol Browner worked closely with stakeholders and the last Congress to try to shepherd climate change legislation through Congress. Some Members of Congress criticized the position, along with several other White House 'czar' positions, for not being subject to the Senate nomination process or accountable to Congress in any way.

• **NSF, NASA, and the Department of Commerce, including NOAA, are required to submit spending plans to the House and Senate Appropriations Committees within 60 days.**

• **No EPA policy riders were successfully included in the bill.** This means that for now the EPA will retain its authority under the Clean Air Act to regulate greenhouse gases from stationary sources, and the EPA is expected to continue to promulgate regulations to that effect. However, as this remains a controversial and high priority issue for some Members of Congress, Congress may again take up this question regarding the appropriate scope of EPA's authority.