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July 2019: Earth & Environmental Sciences Newsletter - *Lewis-Burke Associates, LLC*

A View from Washington

On August 2, President Trump signed into law a two-year budget agreement officially eliminating the threat decreased federal spending for fiscal years (FY) 2020 and 2021. By lifting statutory caps on federal spending, Congress and the White House have removed a structural hurdle to the annual appropriations process that stymied lawmakers for years while paving the way for a resolution to FY 2020 appropriations. All eyes are on the Senate Appropriations Committee as it begins the process to draft and consider its bills, including those of interest to the environment and energy research community.

Senate staff will work over the next month to draft their subcommittee bills during the August recess in advance of rapid consideration and passage upon the chamber's return in September. Senate Appropriations Committee Chairman Richard Shelby (R-AL) indicated his preference for three separate appropriations "minibuses" that would combine individual subcommittee bills. Funding for construction of the president's wall on the southern border, restrictions on abortion, environmental policy issues, and other perennial sticking points will likely re-emerge during this process. The Energy and Water Development bill, which funds the Department of Energy, is expected to be included in the first of these minibus appropriations measures passed by the Senate. Other appropriations subject to partisan disagreement, like the Interior and Environment and Commerce, Justice, Science bills, are not anticipated to move as quickly. NSF, NASA, NOAA, EPA, and USGS may operate under stopgap funding if disagreements emerge and are unresolved before the end of the FY 2019 on September 30.

Note that there will not be an August edition of the Lewis-Burke Earth and Environmental Newsletter due to the congressional recess this month.

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Appropriations Updates

Congress Passes Two-year Budget Deal

As noted above, Congress passed and the President signed a two-year budget agreement—the *Bipartisan Budget Act of 2019* (H.R. 3877)—that raises spending caps by \$320 billion over fiscal years (FYs) 2020 and 2021 and suspends the debt ceiling for two years. The Senate passed the bill on August 1 by a vote of 67-28 following House passage of the bill on July 25 by a vote of 284-149. The budget agreement avoids the \$126 billion, or 10 percent, cut in discretionary spending in FY 2020 required under the *Budget Control Act of 2011*. Instead, funding for both defense and non-defense discretionary programs will increase by \$22 billion and \$35 billion, respectively, above FY 2019. While the budget agreement provides a boost in funding in FY 2020, there is almost no growth in funding in FY 2021. The budget agreement provides only a \$2.5 billion increase in non-defense spending in FY 2021.

Sources and Additional Information:

- Information on H.R. 3877 is available at <https://www.congress.gov/bill/116th-congress/house-bill/3877>.

Congressional Updates

House Passes Bill Creating New Climate Council

On July 17, the House passed the *Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act* (H.R. 3494), a sweeping intelligence bill that authorizes intelligence-related programs and activities across the federal government. However, the FY 2020 version of the bill also established the Climate Security Advisory Council within the Office of the Director of National Intelligence to monitor the effects of climate change on global conflict. This is primarily a Democratic initiative, with the Members of the Select Committee on Intelligence looking to make climate a more formal, permanent facet of security and intelligence policy.

Republican Members of the Committee have expressed concern that using federal funding for the council could be duplicitous and unnecessary, noting that the director of national intelligence would have requested the establishment of a climate council if it were needed. The bill passed the full House by a vote of 397-31 indicating bipartisan support for the legislation. However, the Climate Security Advisory Council will likely be a point of debate in the Republican-controlled Senate, and it is unclear if it will remain in the final version.

Sources and Additional Information:

- The full text of the bill is available at <https://www.congress.gov/116/bills/hr3494/BILLS-116hr3494rfs.pdf>.

Senate Holds Hearing on Agriculture Research and Farm Bill Implementation

On July 18, the Senate Agriculture Committee held a hearing addressing agricultural research and the implementation of the 2018 Farm Bill. Scott Hutchins, the Deputy Director of Research, Education and Economics (REE) at the U.S. Department of Agriculture (USDA) testified before the committee and addressed some of the ongoing concerns regarding the relocation of the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) to Kansas City. In response to questions about the lack of transparency throughout the process and the loss of institutional knowledge as career scientists and economists leave the agency, Dr. Hutchins stated that USDA was doing everything in their power to respond to congressional requests and that the move would be beneficial for retention rates in the long run. Dr. Hutchins consistently cited the projected cost savings and proximity to stakeholders as justification for the move.

Democratic Members expressed significant concern that the move would undermine the mission of the agency and that the USDA failed to submit a cost benefit analysis supporting their claims of significant savings to tax-payers. Dr. Hutchins pointed out that analysis done by Ernst & Young during the selection process had been made public, but he was unaware of any analysis done before the relocation announcement. The concerns voiced by members of the committee largely echoed arguments made by the scientific and higher education communities throughout the relocation process, that the agency lacked concrete evidence of the financial benefits and the move could negatively impact the agency's ability to carry out their mission.

Republican Members consistently praised the move, touting the expected cost savings and the potential for increased engagement with rural communities in the farm belt. For the majority of the hearing Republicans directed their questions toward specific agricultural issues in their districts as opposed to the relocation. While the move dominated much of the hearing, Chairman Roberts (R-KS) asked about how the agency would begin utilizing the newly authorized Agriculture Advanced Research and Development Authority (AGARDA), though Dr. Hutchins acknowledged that the direction of AGARDA would remain unclear until it received appropriations.

Sources and Additional Information:

- A full webcast of the hearing is available at <https://www.agriculture.senate.gov/hearings/agricultural-research-and-2018-farm-bill-implementation>.

Congress Actively Engaged on Energy Legislation

Dozens of energy bills have passed through various House and Senate congressional committees in the past month. Many of these bills focus on energy research and development (R&D) with several addressing energy storage as well as renewable and nuclear energy.

The Senate Energy and Natural Resources Committee advanced 22 energy-related bills, including

topics such as mineral security and energy efficiency, in a markup on July 16. Over in the House, the Science Committee approved bills on solar, wind, and fossil energy R&D, with the fossil energy draft bill focused on carbon capture and utilization. Additionally, the House Energy and Commerce Committee has been working on policies for energy efficiency and regulations affecting climate change

On July 31, House Science Committee Chairwoman Eddie Bernice Johnson (D-TX) and Energy Subcommittee Chairman Conor Lamb (D-PA) introduced a reauthorization bill for the Advanced Research Projects Agency–Energy (ARPA-E) that would significantly grow the agency's authorized budget. The Committee anticipates marking up the bill in September.

One bill that has made it past the House floor is H.R. 34, the *Energy and Water Research Integration Act of 2019*. This bill, co-sponsored by House Science Committee Chairwoman Johnson and Ranking Member Frank Lucas (R-OK), would direct the Department of Energy to conduct research at the energy-water nexus. This bill passed the House on July 23 by voice vote.

Both in the House and Senate, there are lots of energy related bills that have been introduced. Despite congressional interest, activity has primarily been at the committee level. Most of the bills have not passed the full House or Senate and may also lack companions in their counterpart chambers. Congress is exploring how to bundle bills together into an energy package they could pass, but it is unclear at this point what such a package would include.

Sources and Additional Information:

- Information on the bills advanced by the Senate Energy and Natural Resources Committee is available at <https://www.energy.senate.gov/public/index.cfm/2019/7/business-meeting-to-consider-pending-legislation>.

House Energy Commerce Committee Leaders to Develop Plan for Net-Zero Emissions by 2050

On July 23, a coalition of House Democrats announced that they are working to create an alternative to the Green New Deal introduced by Rep. Alexandria Ocasio-Cortez (D-NY) and Senator Edward Markey (D-MA). The primary goal of the new plan is to transition to reach net-zero emissions by 2050. Rep. Frank Pallone Jr. (D-NJ), Chairman of the House Energy and Commerce Committee said they plan to hold a series of hearings to get input from scientists on the best way to move quickly away from fossil fuels. He noted that this plan offers a “more realistic” yet proactive alternative to the 2030 goal set by the Green New Deal. Members of the Committee also commit to preserving some elements of the Green New Deal in a way that considers input from and works with stakeholders and industry. There were no indications as to when full details of the plan will be released or if it will contain conservation provisions in areas other than emissions. Congressional Progressives have yet to comment on the new proposal.

Sources and Additional Information:

- More details from Rep. Pallone's announcement is available at <https://pallone.house.gov/media/in-the-news/pallone-congressional-dems-plot-route->

Agency Updates and Other News

Relocation Update: NIFA and ERS See Mass Departure Amid Move to Midwest

Following the mid-June announcement of the agencies' relocation to Kansas City, employees of the National Institute of Food and Agriculture (NIFA) and the Economic Research Service (ERS) were given a deadline of July 15 to submit their intention to relocate or resign their roles with the Department of Agriculture (USDA). According to a survey of workers impacted, only 73 NIFA employees have accepted their relocation assignments while 153 have submitted rejections. While 72 of the reassigned ERS employees have accepted their new assignments, 99 have chosen to leave ERS. While final data will not be available until the agencies complete their moves in September, these high levels of attrition are likely to have far reaching impacts on the future of these agencies and USDA writ large.

While NIFA and ERS have been quick to get the move underway after selecting Kansas City, they have encountered another potential delay: finding office space. On July 11, the General Services Administration (GSA), the agency which oversees much of the federal procurement and leasing processes, extended the deadline for proposals from July 7 to August 7.

It remains to be seen what the overall impact of staff attrition and these additional delays will have on the activities of the agencies.

Sources and Additional Information:

- More information on staff attrition rates can be found at <https://federalnewsnetwork.com/workforce/2019/07/usda-relocation-could-cut-existing-ers-nifa-workforces-by-half/>.
- The GSA's extension announcement can be found at https://www.fbo.gov/index.php?s=opportunity&mode=form&tab=core&id=0edc6080b95003160e5b8fa86876c4cc&_cview=0.

NSF Releases Notice of Intent to Recompete NEON Contract

On July 26, the National Science Foundation's (NSF) released a dear colleague letter (DCL) announcing its intention to hold a competition for the management of the National Ecological Observatory Network (NEON). The contract, last awarded to Battelle in 2016, is expected to begin late in calendar year 2021 and last for five years with a possible five-year renewal. Construction of NEON was completed in May and now the contract will shift to management and operations. The headquarters in Boulder, Colorado will be home to a data repository and specimen collections to support scientific collaboration between NEON and the community. Dr. Roland Roberts of the Division of Biological Infrastructure (DBI), who serves as program director for NEON, expressed his vision that NEON will embrace a community building role in support of ecology and other scientific disciplines that might leverage the network's research.

This DCL comes on the heels of months of tension between Battelle and the scientific community writ large. NEON experienced a tumultuous January during which its chief scientist Sharon Collinge resigned on January 8 and Battelle Memorial Institute, the non-profit that NSF contracted

to manage NEON, dissolved the Science, Technology & Education Advisory Committee (STEAC) only to reinstate it a week later on January 15 following tremendous community pressure. A letter from the STEAC membership expressed that Battelle's handling of the situation has "[bred] mistrust" in the scientific community and that Battelle's actions have "put the project at massive risk." Frustrations with Battelle reached a boiling point when members of the Biological Sciences (BIO) Advisory Committee (AC) stated at their May meeting that Battelle was a "bad steward of science."

Sources and Additional Information:

- The DCL announcement the competition can be found at <https://www.nsf.gov/pubs/2019/nsf19080/nsf19080.jsp>.
- More information on NEON can be found at <https://www.neonscience.org/>.

Department of Interior Proposes Move of BLM Headquarters to Colorado

On July 16, Senator Cory Gardner announced that the Bureau of Land Management (BLM) headquarters would be moving to Grand Junction, Colorado. The Senator released a letter from Assistant Secretary of the Department of Interior (DOI) Joseph Balash that states Secretary of the Interior David Bernhardt's objectives of the move as:

- "Delegating more responsibility down to the field,
- Maximizing services to the American people; and
- Increasing the BLM's presence closest to the resources the BLM staff [manages](#).

Senator Gardner has been pushing to move BLM West for several years; In 2017 he introduced the Bureau of Land Management Headquarters Relocation Act to authorize such a move.

In total, BLM plans to move 85 positions to Colorado, including 27 bureau leaders who would be relocated to the new headquarters in Grand Junction. The BLM workforce totals close to 10,000, though only about 400 currently work in Washington, DC. Of these positions, 60 would remain and the rest would be moved to offices in western states. Democrats have criticized the decision, noting that the Administration did not alert them to this move. Democratic lawmakers such as House Natural Resources Chairman Raul Grijalva raised concerns that the move is an attempt to reduce oversight over BLM operations saying, "Putting BLM headquarters down the road from Secretary Bernhardt's home town just makes it easier for special interests to walk in the door demanding favors without congressional oversight or accountability."

The announcement of this move follows plans from previous Secretary of the Interior Ryan Zinke to reorganize DOI by regional boundaries. Under the Trump Administration, leadership functions within other agencies such as the U.S. Geological Survey and the National Institute of Food and Agriculture have also been subject to proposed relocations.

Sources and Additional Information:

- Senator Gardner's press release about the BLM move is available at: <https://www.gardner.senate.gov/newsroom/press-releases/gardner-releases-details-on-blm-move>.

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