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Through the NSC Alliance partnership with the American Institute of Biological Sciences, we are pleased to provide NSC Alliance members with the following public policy update. With proper attribution to NSC Alliance, all material from these reports may be reproduced or forwarded. We encourage you to share this report with colleagues at your institution. Anyone interested in receiving copies of the NSC Alliance Washington Report may subscribe at <http://www.NSCAlliance.org>-- it's free!

If you have any questions or require additional information regarding any of the following items, please contact NSC Alliance director of public policy Dr. Robert Gropp at 202-628-1500 x 250 or at rgropp@aibs.org.

NSC Alliance Urges University of Alaska Regents Not to Cut Museum of North Funding

On July 29, 2019, the NSC Alliance urged the regents of the University of Alaska to find alternatives to devastating and irrevocable budget cuts proposed by the Governor of Alaska. Under the Governor's proposal, state funding for the Museum of the North at the University of Alaska at Fairbanks would have been terminated.

Earlier this summer, Alaska Governor Dunleavy (R) used line item veto authority to slash funding for the University of Alaska (UA) system. Dunleavy's budget cut approximately 41 percent of state funding for the system, or about \$130 million. Subsequently, controversy has surfaced as the University of Alaska Board of Regents and external groups have noted that it is their constitutional authority of the Regents to decide how budget cuts are implemented, and not the Dunleavy's. Under some proposals that surfaced, the governor targeted a number of research programs on the University of Alaska at Fairbanks campus, including the Museum of the North.

Prior to a meeting of the Board of Regents, the NSC Alliance and Ornithological Council were among national organizations that wrote to state officials urging that the governor's proposal to eliminate all state funding for the museum be rejected. After receiving an outpouring of support

for the museum, the regents determined that the museum would not be completely defunded. Read the letter from NSC Alliance: <http://nscalliance.org/wordpress/wp-content/uploads/2019/07/2019-u-alaska-museum-of-the-north.pdf>

On August 13, Dunleavy unveiled a new budget plan after coming to an agreement with University of Alaska leadership to reduce the budget reduction by half. The new plan would spread a \$70 million cut for the UA system over three years, with \$25 million in cuts doled out over each of the next two years and a \$20 million reduction in FY 2022. The board of regents are expected to determine how these cuts will be distributed during their next meeting in September.

Meanwhile, the Governor's budget proposals have angered many across the state and triggered a recall petition to remove the governor from office. The "Recall Dunleavy" petition obtained more than 29,000 signatures in less than a month. If Alaska's Secretary of State certifies this petition, a second round of signature-gathering will commence. If the second petition gets signatures from 71,252 voters, which is equal to 25 percent of registered voters at the time of the most recent general election, then a special election will be held to remove Dunleavy from office.

Trump Administration Rewrites Endangered Species Act Rules

The Departments of the Interior and Commerce have unveiled significant changes to the regulations that implement the Endangered Species Act (ESA). The revisions change how the law will be enforced in the future. The new rules will make it easier for regulators to delist species and remove automatic protections for threatened species.

"The revisions finalized with this rulemaking fit squarely within the President's mandate of easing the regulatory burden on the American public, without sacrificing our species' protection and recovery goals," said Secretary of Commerce Wilbur Ross. "These changes were subject to a robust, transparent public process, during which we received significant public input that helped us finalize these rules."

ESA was enacted in 1973 with the goal of preventing plants and animals from becoming extinct. The law is credited with successfully saving the gray whale, the grizzly bear, and the bald eagle. The Trump Administration first proposed in July 2018 changes to the enforcement of the ESA that would make it harder to provide protections for certain species.

The rule changes were finalized by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) on August 12, 2019. The new regulations apply to sections of the ESA that deal with adding or removing species from the protected list and designating critical habitats. The new rules tighten the definition of "foreseeable future" for making crucial ESA decisions. This refers to the policy that requires regulators to consider whether a species is in danger of extinction or is at risk of becoming endangered within the "foreseeable future" when making a listing decision. Under the new policy, foreseeable future "extends only so far into the future as the [USFWS and NMFS] can reasonably determine that

both the future threats and the species' responses to those threats are likely." Regulators will now have significant discretion in determining what foreseeable future means on a case-by-case basis. "We'll look out in the future only so far as we can reliably predict and not speculate," said Gary Frazer, Assistant Director for ecological services at USFWS.

The new regulations will for the first time allow regulators to estimate financial costs of providing protections to species when making listing decisions. Under current rules, listing decisions are only be based on science, "without reference to possible economic or other impacts of determination." Frazer said that results of the economic analyses will be disclosed to the public, and will not violate the provision that economic costs not be weighed. "Nothing in here in my view is a radical change for how we have been consulting and listing species for the last decade or so," he said.

The revisions also change how regulators can designate "critical habitats", which are areas crucial for species recovery. Until now, these areas were sometimes still considered "critical" when not occupied by the species in question. The new rules allow officials to designate unoccupied areas "critical habitat" only when the occupied areas are inadequate for the conservation of the species or if inclusion of unoccupied areas would improve conservation efficiency.

Additionally, the new policy limits the ability of regulators to take climate change into consideration when making listing decisions. It also rescinds the "blanket rule" under section 4(d) of the ESA, which had automatically given threatened species the same protections as endangered species.

These revisions apply to future listing decisions and go into effect 30 days after being published in the Federal Register. The new rules do not apply to species currently protected under the ESA.

Criticism of the new rules from environmental groups was swift, with many pointing to a recent UN [report](#) that warned that more than one million species of plants and animals worldwide face global extinction due to human development and climate change. Critics contend that the new policy could accelerate the extinction of many species and allow industries to develop on critical ecological habitats. "These changes tip the scales way in favor of industry," said Brett Hartl, Government Affairs Director for the Center for Biological Diversity, according to *Nature*. "They threaten to undermine the last 40 years of progress."

The attorneys general of California and Massachusetts, along with the conservation group, Defenders of Wildlife, have announced plans to challenge the regulation in courts. Last year, attorneys general from 10 states endorsed comments criticizing the proposed revisions to ESA regulations. Democratic lawmakers have said that they will block the revisions. "We need to consider stopping these regulations by any means, including the Congressional Review Act," said Senator Tom Udall (D-NM), Ranking Member of the Senate Appropriations Subcommittee on Interior and Environment. The Congressional Review Act allows lawmakers 60 legislative days to review rules issued by federal agencies and vote on whether to overturn the regulation.

BCoN Early Career Travel Awards: Communications Training Professional Development

The Biodiversity Collections Network (BCoN) is offering a limited number of travel awards to help early career biodiversity scientists (broadly defined), collection managers, educators, and other biodiversity-collection professionals participate in the October 7-8, 2019 [AIBS Communications Boot Camp for Scientists](#). This professional development training course is being held in Washington, DC.

Eligibility:

- Graduate student, post-doctoral fellow, or employed less than 3 years.
- An individual who works in a clearly articulable way to conduct or enable biodiversity-related research or education.
- Individuals need not be affiliated with a biodiversity collection.
- Individuals must be able to travel to Washington, DC, to participate in the October 7-8, 2019 training program.
- Must pay the course registration fee.

For details about the award and application process go to: <https://bcon.aibs.org/2019/08/19/bcon-travel-awards-for-communications-training/>

Budget Cap, Debt Ceiling Agreement Reached

A two-year bipartisan budget agreement has been approved by Congress and signed by the President. The agreement will raise the overall federal spending caps by \$320 billion over fiscal years (FY) 2020 and 2021. The agreement suspends budget sequestration which would have slashed discretionary spending, which includes funding for science, by \$125 billion in FY 2020. Additionally, the nation's debt ceiling will be suspended until July 2021, allowing the government to keep borrowing for two more years and delaying further talks on the subject until after the 2020 elections.

Both chambers voted to pass the agreement before leaving for the congressional recess and the President signed the package into law on August 2. All 12 appropriations bills must still be passed by the House and Senate and signed by the President before the fiscal year ends on September 30 to fund the government in FY 2020. There are currently two spending bills remaining before the House, while the Senate has yet to act on any FY 2020 appropriations bills. If all the appropriations bills are not completed before the current fiscal year ends, Congress may consider a stopgap spending measure in the form of a continuing resolution to avert a government shutdown.

Relocation of USDA Science Agencies May Have Broken Law

According to a report released on August 5, 2019 from the U.S. Department of Agriculture's (USDA) Office of Inspector General (IG), the decision to relocate two of the department's science agencies outside the Washington, DC region may have violated the fiscal year (FY) 2018 omnibus appropriations act.

USDA had first unveiled the proposal to relocate the agencies on August 9, 2018. In June 2019, Agriculture Secretary Sonny Perdue announced that the two USDA research agencies, the National Institute of Food and Agriculture (NIFA) and Economic Research Service (ERS), will relocate from Washington, DC to the Kansas City region by September 30, 2019 to improve efficiencies and bring federal scientists closer to stakeholders.

The FY 2018 spending law required USDA to receive approval from Congress before spending any funds on agency relocations. According to the federal watchdog, although USDA has the legal authority to move the agencies, it may have broken the law by not obtaining budgetary approval from Congress prior to allocating funding towards the relocation. USDA allocated \$340,000 from appropriations to hire Ernst & Young to assist with the relocations – a move not approved by Congress. The report says that this may have also violated the Antideficiency Act, which prevents federal employees from involving the government “in a contract or obligation for the payment of money before an appropriation is made.”

House Majority Leader Steny Hoyer (D-MD) and Delegate Eleanor Holmes Norton (D-DC), who requested the IG review, said that USDA must halt the relocation until Congress approves funding for it. The IG report also advised USDA to seek approval from a congressional committee before continuing with the move.

USDA's Office of the General Counsel argued that the department is not required to receive permission from Congress for the relocation because the committee approval provisions of the spending law are unconstitutional. “To say the department was out of step with budgetary requirements disregards the authority given to the executive branch by the U.S. Constitution,” said a USDA spokesperson. “Since the inspector general affirms the department has the legal authority and we do not agree with the unconstitutional budgetary provision, this case is closed.” In response, the IG stated that those committee approval provisions have been included in appropriations laws since 2015 and USDA has previously considered them binding, according to a report in *Politico*.

The IG report was released a few days after acting White House Chief of Staff and White House Office of Management and Budget Director, Mick Mulvaney, revealed a significant motivation behind the plans to relocate several hundred USDA and Bureau of Land Management jobs outside Washington. During a speech to South Carolina's Republican Party, Mulvaney said that the relocations aimed to “drain the swamp” by reducing the federal workforce. “Now, it's nearly impossible to fire a federal worker. I know that because a lot of them work for me, and I've tried. And you can't do it,” said Mulvaney. “By simply saying to people, 'You know what, we're going to take you outside the bubble, outside the Beltway, outside this liberal haven of Washington, D.C., and move you out to the real part of the country,' and they quit. What a wonderful way to sort of streamline government and do what we haven't been able to do for a long time.”

In response, J. David Cox, President of the American Federation of Government Employees (AFGE), which represents NIFA and ERS employees, said, “The administration’s decision to transfer hundreds of USDA jobs from DC isn’t about helping federal employees do their jobs better or delivering better services to the American taxpayer... Their goal is to drive out hard-working and dedicated civil servants and silence the parts of the agencies’ research that the administration views as inconvenient.” Meanwhile, USDA and AFGE have reached a deal that includes provisions on pay incentives, telework, and temporary housing to ease the transition for employees planning to relocate. USDA has agreed to extend the deadline for staff to decide whether they plan to relocate to Kansas City from July 15 to September 27.

Higher-Ed Groups Caution FBI About Monitoring Chinese Scientists

Twenty-two higher education associations and rights groups released a statement on August 12, 2019 cautioning against an effort by the Federal Bureau of Investigation (FBI), the National Institutes of Health (NIH), and other government officials to monitor certain Chinese scientists working at American universities.

The statement cites an *NPR* report that intelligence agencies are encouraging U.S. research universities to monitor students and visiting scholars from Chinese state-affiliated research institutions.

The [statement](#) reads in part, “This move seemingly stems from growing suspicion that the Chinese government is engaged in espionage of American higher education, with the aim of stealing data and intellectual property. However, this is an area where the government must tread carefully.” The statement acknowledges that concerns over certain incidents involving Chinese espionage are valid but “calls to monitor individuals solely based on their country of origin violate norms of due process and should raise alarms in a democracy.”

The groups warn that the FBI investigation could hamper “future recruitment of talented foreign students and scholars” and “impede the training of new scientists, as well as damage ongoing projects” if “not conducted with care.” Among the signatories are the American Association of University Professors (AAUP), the Association for the Study of Higher Education, and the Association of American Colleges and Universities.

Apprehensions about academic espionage have been on the rise among lawmakers and federal agencies. Last year, enquiries from Senator Chuck Grassley (R-IA) led to investigations into allegations of foreign influence at NIH. Earlier this year, Senator Grassley also asked the National Science Foundation about its processes to detect and deter foreign threats to federally-funded research. Lawmakers have [introduced](#) legislation that intends to tackle issues of foreign influence on science and academic espionage without hampering scientific collaboration. More than 100 academic and science organizations have expressed [support](#) for the measure.

Natural History Museum of Utah Seeks Executive Director

The Natural History Museum of Utah (NHMU) is seeking applications and nominations for its Executive Director position. As the designated state museum of natural history, NHMU serves rural and urban communities across the state through its exhibits, educational programs, citizen science, and broad outreach activities.

To read more about the position and submit your application, visit <https://ww2.kittlemansearch.com/Jobs>

NSF Announces Competition for Future Management of NEON

The National Ecological Observatory Network ([NEON](#)) is now fully operational, making 179 environmental data products freely accessible. The Division of Biological Infrastructure (DBI) in the Directorate for Biological Sciences (BIO) at the National Science Foundation (NSF) has announced an open competition for the future management of NEON operations and maintenance. The solicitation is expected to result in an initial award of a five-year Cooperative Agreement with the possibility of a five-year extension for the management of NEON, which is expected to start in 2021.

For more information visit <https://www.nsf.gov/pubs/2019/nsf19080/nsf19080.jsp>

NSC Alliance Welcomes Natural History Museum of Los Angeles County

The Natural Science Collections Alliance is pleased to welcome its newest member institution – the Natural History Museum of Los Angeles County. Learn more about its exciting research, collections, education and outreach programs at <https://nhm.org>

Expand Your Broader Impact Skills: AIBS Communications Boot Camp for Scientists

The American Institute of Biological Sciences (AIBS) will offer its Communications Training Boot Camp for Scientists this October 7-8, 2019. Students and staff affiliated with NSC Alliance member institutions are eligible to receive a significant discount off of the regular program registration rate.

The AIBS Communications Training Boot Camp for Scientists was designed to enhance the communication skills of scientists, particularly those interested in communicating with decision-makers and the news media. The program is an excellent way to develop new communication skills and identify effective methods for broadening the impact of research and education programs.

The Boot Camp is an intensive, two-day, hands-on training program.

Participants will learn:

- How to translate scientific findings for non-technical audiences
- How to tell a resonant story that informs decision-makers
- How to prepare for and participate in a news interview
- How to prepare for and engage in a meeting with a decision-maker
- How to protect your scientific reputation
- How to identify and define the audience you need to reach
- What decision-makers want to hear from a scientist
- What reporters are looking for in an interview
- How to leverage social media
- How the nation's science policy is developed and implemented

Participants will also have the opportunity for formal and informal discussions with science policy and communications experts working in Washington, DC.

Learn more about the program and register now at https://www.aibs.org/public-policy/communications_boot_camp.html.

The Natural Science Collections Alliance is a Washington, D.C.-based nonprofit association that serves as an advocate for natural science collections, the institutions that preserve them, and the research and education that extend from them for the benefit of science, society, and stewardship of the environment. NSC Alliance members are part of an international community of museums, botanical gardens, herbariums, universities, and other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, and outreach activities. Website: www.NSCAlliance.org.

The NSC Alliance Washington Report is a publication of the NSC Alliance. For information about membership in the NSC Alliance, please contact dbosnjak@aibs.org.