



ABC's Weekly Federal Legislative Update December 14, 2020

In observance of the winter holidays, the Washington Weekly Update will not publish again until January 4, 2021.

Introduction

The push is on for Congress to finish legislative business for the year but before departing, they must pass an additional spending vehicle as the current Continuing Resolution expires on December 18. We hope to see Congress pass the FY 2021 Omnibus Appropriations bill instead of an additional CR which would fund the federal government until mid-February. Additionally, Congress is also trying to negotiate a path to passing another COVID 19 Relief bill. It is likely that this package will be split into two bills. The first bill contains a \$748 billion relief plan that includes nearly \$300 billion in help for small business, \$300-per-week in enhanced unemployment benefits and aid for vaccine distribution. Their second bill only contains two elements: \$160 billion in state aid sought by Democrats and the liability provisions that Republicans have said should be part of an aid package. This will allow at least one bill to pass containing elements both parties agree on. Disagreement on aspects in the second bill may cause its demise but in the process, will not imperil items contained in the first bill. Below is news from Washington DC.

Administration

[Renewable Fuel Standard](#)

The following two stories pertain to court cases over the renewable fuel standard. The first story outlines legal efforts by biofuels supporters to roll back 31 small refinery exemptions granted for 2018. The second story provides an update on the 10th Circuit decision on small refinery exemption which ruled that companies receiving the exemption must have done so yearly in order to qualify. DOJ, acting on behalf of EPA, has asked the U.S. Supreme Court to not take up an appeal to that decision.

[Biofuels Groups Ask Court to Reverse EPA Refinery Exemptions](#)

E&E News PM reporter Marc Heller submitted on December 8, "Biofuel groups filed a new court challenge yesterday against EPA's handling of the renewable fuel standard, aiming to reverse 31 small-refinery exemptions the agency awarded for 2018.

"In a brief filed in the U.S. Court of Appeals for the District of Columbia Circuit, the Renewable Fuels Association and other organizations said EPA can't legally grant exemptions to refineries if previously issued ones had lapsed — picking up on a legal argument that prevailed in a case last year in the 10th U.S. Circuit Court of Appeals.

"The groups are counting on the D.C. court to follow the same reasoning, which would rule out most of the exemptions small refineries seek in cases of economic hardship.

"Among all of EPA's indefensible actions surrounding small refinery exemptions in recent years, the Agency's two-page decision to grant 31 waivers from 2018 RFS compliance really takes the cake. Enough is enough," the groups said in a news release.

"Other organizations filing suit included Growth Energy, the American Coalition for Ethanol, the National Biodiesel Board, the National Corn Growers Association and National Farmers Union.

"EPA and petroleum refiners have defended the exemptions as adhering to the Clean Air Act, which allows small refineries to avoid biofuel blending requirements for a year if they can demonstrate that meeting them would cause disproportionate economic harm.

"The law requires EPA to grant the waivers in such cases, petroleum industry groups say.

"But the interpretation of that harm, and EPA's authority in granting large numbers of waivers, divides the liquid fuel industry and, in some cases, environmental groups that oppose growing use of corn-based ethanol.

"The Trump administration has been far more generous in granting waivers, a trend that petroleum groups attribute to an Obama-era court ruling that said EPA had overstepped in denying them.

"In the court filing, biofuel groups said the 31 exemptions granted for the 2018 compliance year represented about 1.43 billion gallons of biofuel, or 7.4% of the national total for that year.

"EPA is considering additional requests for exemptions for 2020, and the agency denied refiners' requests for prior years that were filed after the 10th Circuit ruling. Those "gap year" petitions were a response to the court's position that exemptions could only extend prior existing ones.

"At that time, EPA said it was following the law — an assertion the American Fuel and Petrochemical Manufacturers called "laughable."

DOJ Argues Against Supreme Court Taking Up 10th Circuit U.S. Court of Appeals

On December 10, Pamela King of [Greenwire](#) reported, “The nation's highest bench does not need to get involved in a fight over biofuel-blending requirements for small refiners, the Trump administration wrote in a Supreme Court brief this week.

“The Justice Department's filing comes in response to an appeal by three small refiners of a 10th U.S. Circuit Court of Appeals ruling that struck down renewable fuel standard exemptions for the companies. The refiners argue that the requirements create economic hardship as a result of the need to either blend biofuel or purchase renewable fuel credits to comply.

“DOJ argued that the case does not warrant review by the Supreme Court, which can take just a small number of cases.

“Not only is it unclear that the small refiners in the 10th Circuit case would suffer a competitive disadvantage, but the justices should also wait for a similar dispute to play out in a separate court of appeals, the Trump administration wrote in a filing docketed Tuesday.

"This case would also be an unsuitable vehicle in which to address the question presented because the court of appeals vacated the EPA's actions and remanded to the agency on several other grounds that petitioners do not challenge," acting Solicitor General Jeffrey Wall wrote in the brief.

“Scott Segal, a partner at Bracewell LLP, said DOJ's brief "is hardly a warm endorsement of the 10th Circuit decision" — even if it eventually has the effect of preserving that ruling.

“A trade group that represents small refiners said it was "stunned by DOJ's lack of urgency" on the matter and said the Supreme Court should take up the petition without delay.

"Washington clearly does not grasp the severity of what is at stake for small refineries that may not survive the crippling weight of this COVID-devastated market without relief from staggering RFS compliance costs," said American Fuel and Petrochemical Manufacturers President and CEO Chet Thompson.

"Waiting another year to resolve the matter would be reckless, leaving many facilities and refining jobs hanging in the balance," he continued. "The Supreme Court has ample information now to rule on the fact that EPA is empowered by law to grant small refinery exemptions at any time."

“The petition is titled *HollyFrontier Cheyenne Refining LLC v. Renewable Fuels Association*. The Supreme Court has not yet said when it will make a decision on whether or not to take the case.

Reporter Marc Heller contributed.

Congress

Agenda: Appropriations and COVID 19 Relief

The following story contains updates on the FY 2021 Appropriations bills and efforts to pass another COVID 19 Relief package before Congress departs for the Christmas holidays.

Geof Koss and George Cahlink of [E&E Daily](#) wrote on December 14, "A final push is underway on Capitol Hill this week to pass a year-end spending package that would provide fresh funding for agencies and hundreds of billions in pandemic aid.

"Lawmakers brought themselves another week's worth of haggling by passing a continuing resolution Friday that extended current funding through this Friday. Without new spending or another temporary deal in place, a government shutdown is possible — six days before Christmas.

"Agency funding might have the easier path. Appropriators insist the compromise fiscal 2021 bills are all but done.

"There were also some signs over the weekend that a bipartisan proposal for COVID-19 relief may have some momentum.

"I think that the appropriations process seems to be coming together. I'm feeling better about that. And I think the coronavirus [aid] would ride on that if there's an agreement," said Senate Majority Whip John Thune (R-SD) late last week.

Pandemic relief

"On COVID-19 relief, members of the bipartisan Senate group that has been deliberating internally for weeks on a \$908 billion framework said yesterday that the legislative text will be released later today.

"Senator Bill Cassidy (R-LA) acknowledged that GOP leadership may discard the plan — as Majority Leader Mitch McConnell (R-KY) hinted last week.

"I can't govern that; I can only do that which is before me," Cassidy said on CNN's "State of the Union." "And if we can introduce a bill tomorrow night that takes care of that small-business owner that, she's just hanging on, and we're able to give her a little bit more support until the vaccine is disseminated, and the people she employs keep their job; that landlord who's been out of rent for three months, but now she can get that

rent, so that maybe she can keep her place fixed up — if we can do that, we will have done our job."

"Senator Joe Manchin (D-WV), a leader of the group, said yesterday that the upcoming bill will address liability provisions, which are a GOP priority, as well as emergency funding for state and local governments — a top ask for Democrats but one that is being resisted by Republican leaders.

"The spirit of compromise is this: Everybody's not going to get what they want," Manchin said on "Fox News Sunday." "We can get something we could all live with, but we are putting a product forward. It's going to go forward with both — with everything, hopefully, in it. You will see a complete bill tomorrow before the end of the day."

"The forthcoming bipartisan proposal — which the senators were aiming to introduce last week — will be split into two components, *Politico* reported yesterday.

"The first part will come in at \$748 billion and will include less controversial components, while the second will include both liability protections and funds for states and localities.

"McConnell last week suggested punting on both issues until the next Congress and the incoming administration. But Manchin rejected the suggestion as "the easy way out."

"We can forget about the tough things — that's what we've been doing for 10 years or more," he said. "No one wants to take a tough vote. They are all afraid it's going to hurt them in the election. We are here to take tough votes. We're here to help our country that's having a tremendous hardship going on right now, and it's going to get worse before it gets better."

"Senator Chris Coons (D-DE), another member of the bipartisan group, said yesterday that he had the "strong impression" that McConnell's reluctance about the effort stemmed from the fact that it lacks the support of a majority of the GOP caucus.

"But I do want to say there are Republicans working hard on coming together around this bipartisan framework," Coons said on NBC's "Meet the Press." "It has been a difficult negotiation, and there's folks who've dedicated weeks and weeks to this effort."

'Really hurting'

"While McConnell has derided state and local emergency funds as a boon that rewards Democratic-run governments for poor management, Senator Lisa Murkowski (R-Alaska) on Friday highlighted the toll the pandemic has taken on her state, whose economy is seasonally based and is facing a 33% decline in revenues.

"We're a state that is really, really hurting right now," she told reporters. "So for us, the state and local piece to help with lost revenues for our local communities is huge."

"Murkowski noted that some of her colleagues may face different situations in their states, but she said, "I just ask them, don't just think about your state. Think about what is happening across all 50 states, because there is a need, and it is great."

"House Majority Leader Steny Hoyer (D-MD) suggested he's open to dropping state and local funding and liability if it helps facilitate a deal that provides other crucial pandemic assistance.

"We have a responsibility and a moral responsibility to respond, and respond quickly," Hoyer said on CNN's "Inside Politics."

"But Drew Hammill, spokesman for House Speaker Nancy Pelosi (D-CA), said she insisted on the aid in a call with Treasury Secretary Steven Mnuchin. The two will talk again today.

"The Speaker believes, at a time when the virus is surging, that the need for state and local funding is even more important, especially given the states' responsibility for distributing and administering the vaccine," Hammill said on Twitter.

"There will also be maneuvering this week on an issue that is not expected to be addressed in the bipartisan Senate plan: direct payments to individuals.

"Senator Bernie Sanders (I-VT) initially intended to block the continuing resolution, which needs consent from all senators, but he allowed the Senate on Friday to pass a one-week CR to allow more time for a broader omnibus spending deal. He later told reporters he would not do so this Friday, the next spending deadline, without a vote on an amendment to include another round of individual payments.

"The alternative is we're going to spend Christmas here, so I'm fairly comfortable," Sanders said of the prospects of a vote on his amendment.

'Very close'

"Senate Appropriations Chairman Richard Shelby (R-Ala.) said an omnibus with all 12 fiscal 2021 spending bills was "very close" to done. He said that a dispute over whether to count Veterans Affairs dollars as emergency spending that had slowed talks was close to being resolved.

"The \$1.4 trillion package is expected to jettison most new policy riders, including several bids by House Democrats to block environmental rollbacks.

"A push to ban Confederate commemorative works at national park sites is likely to fall out, although the Biden administration is seen as likely to adopt that policy.

"Also in play for inclusion in a year-end package are a possible compromise on energy legislation and a water projects bill.

“If a deal cannot be reached, lawmakers would likely extend short-term funding into March and leave it to the next Congress and the new administration to resolve fiscal 2021 spending.

Other

President Elect Biden Nominates Tom Vilsack to be USDA Secretary

The following two stories discuss Tom Vilsack’s nomination to be Secretary of Agriculture. This is a role that he previously held under the Obama Administration. The nomination, while supported by moderates and industry, has drawn fire from the more progressive wing of the Democratic Party.

[Transition: Vilsack Promises to Deploy USDA Against Climate Change](#)

E&E News PM reporter Timothy Cama published on December 11, “President-elect Joe Biden's pick to lead the Department of Agriculture promised today to use the agency as a central piece of the federal government's efforts to fight climate change.

“Tom Vilsack, who was also secretary of Agriculture under President Obama, helped formulate Biden's campaign plans to encourage climate-friendly agricultural practices, and is now the nominee to carry them out.

"When we emerge from this crisis, we're going to have an incredible opportunity before us: to position American agriculture to lead our nation and the world in combating climate change and reaping the new, good-paying jobs and farm income that will come from that leadership," Vilsack said today at a Wilmington, Del., event in which Biden formally introduced him and a handful of other people he had picked yesterday for his administration.

“Biden identified climate change as a key problem for farmers and rural America, as well as a key opportunity for them.

"The opioid crisis ... is a rural America crisis, as is the climate crisis, with droughts, floods wiping out crops and small towns. Farmers and small businesses, small towns, rural communities — white, Black, Latino — are reeling from the pandemic and economic downturn," the president-elect said.

"Tom knows the full range of resources available to this department to get immediate relief to those most in need and address the crises — not one, the crises — facing rural America. He knows how to build back better for all Americans."

“Biden used the opportunity to promote his agriculture campaign plan, which includes "making American agriculture the first in the world to achieve net-zero emissions and

create new sources of income for farmers in the process, by paying farmers to put their land in conservation, plant cover crops, use the soil to capture carbon."

"Biden also introduced Denis McDonough as his secretary of Veterans Affairs nominee, Katherine Tai as his U.S. trade representative nominee, Representative Marcia Fudge (D-OH) as his secretary of Housing and Urban Development nominee, and Susan Rice as head of his Domestic Policy Council.

"The president-elect said Tai "brings a sophisticated understanding of the threats of climate change to trade," while Rice named fighting climate in a list of "deeply intertwined" imperatives for the United States and the world.

[Agriculture: Progressives Grumble As Establishment Hails Vilsack's Return](#)

On December 11, Marc Heller of [E&E Daily](#) submitted, "President-elect Joe Biden's decision to put former Agriculture Secretary Tom Vilsack back in his old job won praise from lawmakers and most farm policy groups — and some cautionary messages from left-leaning organizations.

"Senate Agriculture ranking member Debbie Stabenow (D-MI) credited Vilsack with leading a transformation at the Department of Agriculture, and a fellow Iowan, "Representative Cindy Axne (D-IA), hailed his "commitment to good government" as the former USDA chief appeared to face smooth prospects for Senate confirmation once Biden takes office in January.

"The sole voices of opposition came from places that have raised them before — groups opposed to industrial-scale agriculture, social justice groups pushing for more people of color in the administration, as well as organizations such as People for the Ethical Treatment of Animals that are critical of most animal agriculture.

"The retiring chairman of the Senate Agriculture Committee, Senator Pat Roberts (R-KS), said he and Vilsack were able to work together and added in a statement, "I urge him to continue reaching across the aisle and to listen carefully to farmers, ranchers, and growers as we often do in the Committee."

"Stabenow, who as the committee's top Democrat also worked with Vilsack, cited his "experience, resolve and vision" and said he could usher in a new era at the department — praise that counters some groups' concerns that someone younger than the 69-year-old Vilsack and with bolder ideas might bring a fresh approach to the agency.

"I worked closely with him during the Obama Administration and saw first-hand the transformation he led at the Department to reinvigorate rural communities, improve school meals, and address the climate crisis," Stabenow said in a statement.

"The outgoing chairman of the House Agriculture Committee, Representative Collin Peterson (D-MN), urged quick confirmation.

"I know that he understands very well the challenges that farmers and rural communities face across the country. He will do an excellent job and I hope my Senate colleagues confirm him quickly so he can address the important work at hand at USDA," Peterson said in a statement.

"Vilsack, a former governor of Iowa, has staked out policy positions in sync with most farm-state lawmakers in Congress: support for federally subsidized crop insurance, voluntary conservation to protect farmland and soften the impacts of climate change, and use of the department's broad authority to promote rural development and build connections between farmers and their big-city customers.

"In 2009, the Democratic-led Senate confirmed him unanimously.

"If confirmed this time, he'll face pressure to attack climate change more boldly and to defend the interests of socially disadvantaged communities, as well as to distance himself from "Big Ag" after serving as president and CEO of the U.S. Dairy Export Council the past few years.

"But Republicans will be looking to him to resist more left-leaning initiatives such as the Green New Deal or endorsing mandates on farmers to adopt climate-smart practices, for instance.

"Vilsack has said he supports a variety of carbon-reduction approaches to reach "zero emissions" in agriculture, relying heavily on research by the government as well as companies and corporations. Farmers need financial incentives to reduce emissions, he said at a May 2019 Senate Agriculture Committee hearing.

"You cannot ask farmers to do this on their own. They simply do not have the resources," Vilsack said at the hearing. "They have the will but not the resources. So there needs to be a partnership. The government needs to be part of it, and I think the private foundation world needs to be part of it as well."

"He's also a big supporter of biofuels, having promoted them in his home state as well as at USDA, a position that puts him in the camp of lawmakers such as Republican Sens. Chuck Grassley and Joni Ernst of Iowa, as well as Senator John Thune of South Dakota. As secretary, he set up a program — run out of his office — to help gas stations install equipment for higher-ethanol fuels.

"But USDA plays only an advisory role to EPA on biofuel mandates, so it's unlikely to be a stumbling block for lawmakers who oppose them.

"Can Vilsack be an innovator?"

"Among interest groups, most farm organizations and groups tied to conservation and national forest policies praised the choice.

"He's a longtime advocate for forest and private lands conservation and a strong champion for wildlife, most notably for the greater sage grouse," said Jamie Rappaport Clark, president and CEO of Defenders of Wildlife.

"Vilsack's success in the job would depend on his ability to be innovative and recognize how agriculture and the challenge of climate change, for instance, have changed since he started at USDA 11 years ago, said Ricardo Salvador, director and senior scientist for the food and environment program at the Union of Concerned Scientists.

"I don't know if he has it in him to do some of these things," Salvador told E&E News.

"On the other hand, Salvador said, Vilsack was a good listener who was willing to meet with people whose views he didn't share, more so than Agriculture Secretary Sonny Perdue. "He understood he had to be open-minded to everyone."

"The People's Action Institute, a Chicago social justice group, was more critical, saying the choice overlooked opposition from groups that had supported Representative Marcia Fudge (D-OH) for the job. She's the pick for Housing and Urban Development secretary instead.

"Because of his previous record as USDA Secretary and his ongoing work, Vilsack was utterly rejected as unacceptable by organizations and elected officials representing Black people, multiple Black farmers groups, the NAACP, USDA employees, and even Majority Whip Representative Clyburn, who turned the tide in the Democratic primary for Biden," Shawn Sebastian, a senior strategist at People's Action, said in a statement.

"The National Black Farmers Association said it supports Vilsack, calling him "a big improvement over Secretary Perdue."

"While Black farmers had legislative successes during the Obama Administration, far too little was done during his tenure to address the long legacy of discrimination against Black farmers," the group's founder, John Boyd, said in a statement. "Doors continue to be closed to many Black farmers and today our members face enormous challenges — including a system that disproportionately leaves them behind."

[EPA: How the Biden Administration Might View the Renewable Fuel Standard](#)

The following story discusses how the incoming Biden Administration may address the Renewable Fuel Standard.

Marc Heller of [Greenwire](#) wrote on December 7, "Fuel refiners will still blend billions of gallons of corn-based ethanol into gasoline with President-elect Joe Biden in the White House — but the conversation may turn to alternative fuels.

"That's the scenario people who work for, or against, biofuel mandates see for the federal renewable fuel standard during the incoming administration.

“The RFS will probably evolve much differently under a Biden administration than it would have had President Trump won reelection, particularly given the leanings of the widely reported candidates for EPA administrator.

"Obviously, the RFS is in a big mess right now," said Jeremy Martin, director of fuels policy and senior scientist at the Union of Concerned Scientists, which urges a move toward fuels that more aggressively reduce atmospheric carbon. "It needs to look different. It's a mass of waivers and unresolved court disputes."

“Critics who want to see the RFS repealed, including big petroleum companies and their allies in Congress, won't see their wish come true under the Biden administration, both sides agree. But measures like a low-carbon fuel standard could push biofuels toward a more market-oriented approach and encourage types of biofuel — like ethanol made with crop residue instead of corn — that haven't taken off like the law's sponsors hoped in the mid-2000s.

“By the same token, the ethanol industry and its advocates in the Capitol may have a harder time defending the RFS as it's currently written.

“And EPA is poised to gain more influence: Unless lawmakers rewrite the RFS law, congressionally set biofuel volumes will expire in 2022, leaving EPA to decide how much to require each year. The law requires a minimum of 15 billion gallons a year of conventional biofuel through 2022.

“In his campaign, Biden said he favored a gradual transition away from fossil fuels. On the RFS, he criticized the Trump administration for granting biofuel-blending exemptions to small refineries.

“The reported top contender for the EPA job, Mary Nichols, could give a big boost to a low-carbon fuel standard, having implemented such a system on the state level as head of the California Air Resources Board.

“Biofuels advocates have considered the ramifications of Nichols as EPA administrator before, during Hillary Clinton's presidential campaign in 2016. Then, the Clinton campaign talked with Nichols about a low-carbon fuel standard and faced a backlash from biofuel advocates who feared she meant to abolish the RFS (her campaign said she didn't).

“Ethanol industry groups have challenged aspects of California's system. But they also point to the Air Resources Board's findings that ethanol use reduced greenhouse gas emissions by as much as 20.9 million metric tons from 2011 to 2018. And the carbon standard doesn't dictate which fuels are to be used, making a good choice of low-carbon ethanol that's widely available, the Renewable Fuels Association has said.

"If put in place along with the RFS, a low-carbon standard "would be incredibly powerful and effective in driving accelerated decarbonization of our transportation sector," RFA President and CEO Geoff Cooper told E&E News in a statement.

"Another potential Biden nominee, Collin O'Mara, president of the National Wildlife Federation, has testified on Capitol Hill about the RFS. While his organization hasn't called for repealing the RFS, NWF has said the program should be restructured to encourage feedstocks other than corn — citing evidence that farmers have converted wildlife habitat like grassland into cornfields to meet biofuel requirements.

"O'Mara is also a partner in Rethink Ethanol, a nonprofit group critical of government mandates that have increased the alternative fuel's use.

"For more than a decade, the stagnation of the advanced biofuel industry has not been met with any meaningful revisions to the program," O'Mara told a House subcommittee in June 2018. "The statute has seen no revision over this time, and the administration of the program has been beset by legal squabbling and political infighting."

"Biofuels, O'Mara said, can be a bridge until electric vehicles take hold, and could remain an important part of aviation fuel, for instance.

"We believe the country must move to electric vehicles powered by renewable sources such as wind and solar," O'Mara said.

"He added, "The true value in developing cleaner biofuel alternatives is to make an immediate improvement in the transport fuel profile as that transition happens, while developing the alternative biofuels that will power aviation and long-range shipping, which cannot be electrified easily with current technology."

"Martin, at the Union of Concerned Scientists, said EPA could make climate-friendly changes to the RFS in the short term by encouraging alternative feedstocks and embracing new technology in making corn ethanol. The environmental agency hasn't taken action on many applications for alternative feedstocks, and a new administrator could speed that process, he said.

"Those alternatives could help reduce emissions but were "put on ice by EPA's current leadership," said the RFA's Cooper.

"Addressing the backlog wouldn't need new legislation. But a low-carbon fuel standard will require congressional action, and the ability to pass legislation in the next Congress is untested, Martin said. "I think we have a lot of work to do, but I'm optimistic," he said.

"Biofuel groups are pushing for any new fuel standard to work in tandem with the RFS, not replace it. Few were willing to publicly discuss specific candidates for EPA administrator, citing policies within their organizations against doing so.

“But some said they don't see a low-carbon fuel standard as an assault on biofuel, depending how it's implemented.

"We believe that any additional low carbon program must build on, not replace, the RFS," said Leigh Claffey, a spokesperson for the Growth Energy, an ethanol trade group.

“She said Growth Energy looks forward to "identifying ways to decarbonize our nation's existing transportation fleet, replace toxic pollutants in gasoline, and support family farms and jobs to help rural communities."

“The debate over biofuels' carbon impacts will frame the conversation at EPA.

“The RFA, representing biofuel interests, said a study it commissioned last year revealed that conventional ethanol made mainly from corn reduced greenhouse gas emissions by 43% compared with petroleum.

“But the Government Accountability Office said last year that the RFS hasn't met its emissions reduction goals and isn't likely to do so through 2022 because advanced biofuels haven't been produced as much as lawmakers envisioned.

“Whoever takes the helm at EPA will have to confront the reality that the renewable fuels industry has changed since the RFS in its current form took effect, in 2007, said Jonathan Lewis, senior counsel at the Clean Air Task Force in Boston.

“When the RFS began, its creators saw biofuel as a cleaner alternative to gasoline and diesel.

"In 2020, we know we need to eliminate greenhouse gas emissions," Lewis said. "We're in a different place."