



June 9, 2023

The Honorable Joe Manchin  
 Chairman  
 U.S. Senate Energy and  
 Natural Resources Committee  
 304 Dirksen Senate Office Building  
 Washington, D.C. 20510

The Honorable John Barrasso  
 Ranking Member  
 U.S. Senate Energy and  
 Natural Resources Committee  
 304 Dirksen Senate Office Building  
 Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

Key permitting reform improvements have been included in the recently enacted Fiscal Responsibility Act of 2023, however, we appreciate that you, other congressional leaders and White House officials also recognize much is left to be done. At a permitting oversight hearing before the Energy and Natural Resources Committee (Committee) on May 11, 2023, Chairman Manchin announced the goal of marking up further permitting and production legislation in the Committee this summer. On behalf of the coal producing members of our organizations, we are writing to support that goal. We want to contribute to building on key provisions from the Building American Energy Security Act, the Spur Permitting of Underdeveloped Resources Act and other permitting pieces of legislation before Congress. We want to work with you to ensure the following priorities are parts of permitting and production legislation reported from the Committee because these priorities are essential to ensuring electric grid reliability, contributing to critical infrastructure, and supporting thousands of coal mining jobs and continued revenues for federal, state and local governments.

**Reliability of the Electric Grid**

The Committee has heard from all four commissioners of the Federal Energy Regulatory Commission (FERC) about not only their concerns for the reliability of the grid but the essential role of coal to ensure reliable generation. Reliability experts from the North American Electric Reliability Corporation (NERC) to Independent System Operators (ISOs) to individual key utilities have raised the same concerns to the Committee, in the media, and in public regulatory comment

Chairman Manchin, Ranking Member Barrasso  
June 9, 2023  
Page 2

dockets. Additionally, they have specifically pointed to over-regulation and unrealistic regulation from the U.S. Environmental Protection Agency (EPA) as the source for their concerns. The U.S. needs more than a memorandum of understanding between the U.S. Department of Energy and the EPA to protect electric grid reliability. Permitting and production legislation must empower electric grid reliability experts at FERC, NERC, and the ISOs to evaluate federal regulatory proposals for threats to reliability and prevent the finalization of those regulations, and FERC needs congressional direction to adopt tariffs and rates which specifically protect affordability, reliability, and the security of the supply and deliverability of electricity.

### **Resources for Technology**

Congress has enacted new federal resources, some of which are specifically targeted toward coal-fueled electric power plants. In order to protect electric grid reliability, Congress must provide the necessary oversight and legislative clarity to ensure these provisions are fully utilized to stop the premature and increasingly dangerous retirement of America's baseload, dispatchable power plants.

### **Coal Leasing**

Beginning in 2016, a moratorium on the federal thermal coal leasing has been the subject of conflicting policy decisions and subsequent litigation. Congress needs to reverse the unnecessary moratorium on federal thermal coal leasing and impose new essential timelines in federal statute on the process of awarding coal leasing applications.

Our organizations look forward to working with you on these meaningful steps to enact permitting and production reforms this year.

Sincerely,

American Coal Council  
America's Power  
Alabama Mining Association  
Alaska Miners Association  
Colorado Mining Association  
Georgia Mining Association  
Idaho Mining Association  
Kentucky Coal Association  
Lignite Energy Council

National Mining Association  
Ohio Coal Association  
Pennsylvania Coal Alliance  
Reliable Energy  
Rocky Mountain Mining Institute  
Tennessee Mining Association  
Utah Mining Association  
West Virginia Coal Association  
Wyoming Mining Association