

The Honorable Charles Schumer
Majority Leader, United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader, United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Patty Murray
Chair, Committee on Appropriations
154 Russell Senate Office Building
Washington, DC 20510

The Honorable Susan Collins
Vice Chair, Committee on Appropriations
413 Dirksen Senate Office Building
Washington, DC 20510

August 23, 2023

Dear Majority Leader Schumer, Minority Leader McConnell, Chair Murray and Vice Chair Collins,

Coal mining communities across the country have unique disadvantages hindering their ability to transition to new, sustainable economies. Though recent legislation such as the Bipartisan Infrastructure Law, the Inflation Reduction Act, and the CHIPS and Science Act, and FY22 and FY23 appropriations bills have given a significant boost to these and so many other struggling communities, the proposed House FY24 appropriations bills and certain Senate FY24 appropriations bills represent an enormous step backwards for coal-impacted communities, and fail to meet the needs outlined by community voices earlier this year¹.

We urge members of the Senate to reject the House proposals put forth in the following appropriations bills, and to pass robust appropriations bills that better protect the people in the communities that have powered our nation for decades. We have significant concerns regarding each of the following bills:

- FY 2024 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act (S. 2131; H.R. 4368)
- FY 2024 Commerce and Justice, Science Appropriations Act (S. 2321, H.R. xxxx)
- House FY 2024 Energy and Water Appropriations Act (H.R. 4394)
- FY 2024 Interior, Environment, and Related Agencies Appropriations Act (S. 2605, H.R. xxxx)
- FY 2024 Labor, Health and Human Services and Related Agencies Appropriation Act (S. 2624, H.R. xxxx)

Below, we outline specific concerns regarding each of these bills.

Agriculture, Rural Development, Food and Drug Administration

¹<https://appvoices.org/images/uploads/2023/05/Coal-Communities-FY24-Appropriations-Priorities-Senate-5.1.23b.pdf>

The **USDA's Rural Partners Network (RPN)** was launched in April 2022 and is now active in 36 community networks in 10 states, including the coal-impacted communities in Alaska, Kentucky, New Mexico, and West Virginia, providing much needed capacity in rural communities to identify projects and provide technical assistance. But more communities need this vital support. Additional funding is needed to expand this program to more communities to ensure federal investments end up where they are needed most. We also must ensure this new program which has shown incredible success already has funding stability to allow its work to continue performing. Our organizations requested \$32 million in funding for the RPN for FY24; the House proposed appropriations (H.R. 4368) includes no funding for the RPN, and the Senate version (S. 2131) includes only \$3 million.

Additionally, H.R. 4368 rescinds \$1 billion from the **Empowering Rural America** program and \$500 million from the **Rural Energy for America Program**, both of which support new energy infrastructure and jobs in rural communities. Further, the bill eliminates the grant option under REAP, making the program inaccessible to most small farmers and business owners.

Please protect funding for the RPN and clean energy funding in the final agriculture and rural development appropriations legislation.

Commerce and Justice, Science Appropriations Act

The bipartisan CHIPS and Science Act of 2022 established the new **Distressed Area Recompete Pilot Program**, which will provide economic development opportunities targeting areas where prime age employment rates are significantly lower than the national average – many of which are communities impacted by the decline of the coal industry. The FY23 appropriations legislation provided a \$200 million initial budget for the program. This program launched recently and the first round of applications are due in October. Our organizations requested \$200 million to continue the program into FY24, but neither the House nor Senate Commerce appropriations bills include any funding for the program. It is important that new programs for under-resourced communities have consistent and stable funding.

Further, the House Commerce appropriations bill includes an astonishing 49% cut to the **Economic Development Administration (EDA)** budget, while the Senate Commerce appropriations bill has proposed a 6.4% cut compared to FY23 levels. EDA's programs leverage private and local government funding to support innovation, competitiveness, and economic growth throughout the country, including infrastructure projects, planning, and technical assistance, with dedicated programs for coal communities transitioning to new, diverse economies that can withstand the booms and busts of the coal industry.² The House's proposed budget cut would be a devastating blow to economic development efforts in coal country.

Lastly, the House Commerce appropriations bill includes provisions (Section 219) that will require the U.S. Attorney General to use and issue a decision on an outdated environmental impact statement and approve a Letcher County, KY prison within 30 days of the bill's passage. It would also shield decisions about the prison from judicial review, an act that would strip local residents of their right to engage in the

² <https://www.eda.gov/funding/programs/american-rescue-plan/coal-communities-commitment>

permitting and public comment process. Further, community members in Letcher County are calling on Congress not only to maintain their right to participate in the permitting process for the facility, but also asking that Congress rescind the \$505 million earmarked for this facility.³ National and state researchers have thoroughly documented that Federal prisons provide little if any economic stimulus to the local economy and community advocates are calling for the money to be invested in more meaningful development priorities such as rebuilding housing and public infrastructure after devastating floods that hit the county just one year ago.⁴ We urge you to eliminate this EIS shortcut from the final Commerce appropriations bill.

Energy and Water Appropriations Act

The Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (IWG) was established in 2021 to foster economic revitalization of coal communities and coordinate federal resources to these communities over the past two years. This work has been critical to providing coal-impacted communities the necessary capacity and technical assistance to be able to access federal funding opportunities established in the Bipartisan Infrastructure Law, the bipartisan CHIPS and Science Act, and the Inflation Reduction Act. Congress allocated \$3 million to the agency in FY23, and our organizations advocated for additional funding for FY24 (\$8 million). The House appropriations bill provides no financial support for this critical effort, while the Senate bill includes \$5 million. With no set appropriations for the IWG, efforts to help coal communities secure necessary federal funding will be severely hampered. We urge the Senate to retain this critical \$5 million investment for coal communities.

Interior, Environment, and Related Agencies Appropriations Act

The Office of Surface Mining Reclamation and Enforcement (OSMRE) monitors permitting and enforcement at coal mines, in addition to administering reclamation programs including the **Abandoned Mine Land (AML)** reclamation program and the **AML Economic Revitalization Program (AMLER)**. Given the historic investment in the AML program established in the Bipartisan Infrastructure Law and the lack of reclamation at modern mines as the industry declines,⁵ it is crucial that OSMRE have the necessary operating budget to provide oversight, enforcement, and administration of these programs. The House has proposed a 10% cut to OSMRE's operating budget, which will significantly hamper efforts to administer AML and AMLER grant programs efficiently and effectively, and reduce the agency's ability to enforce regulations related to mine reclamation at modern-era mines, putting coal communities in danger of mine-related disasters such as landslides and polluted waterways.

Further, in April 2023, a coalition of sixty-one organizations submitted [a letter to the Interior, Environment, and Related Agencies appropriations subcommittees](#) requesting that Congress allocate \$5,000,000 in dedicated funding to the **Appalachian Regional Reforestation Initiative (ARRI)**. This funding would allow for ARRI to scale up its reforestation and revegetation program on coal mined lands, significantly improving the patchwork of funding currently available through private and state partnership

³ <https://concernedletchercountians.org/find-out-what-your-neighbors-are-saying.html>

⁴ <https://kypolicy.org/wp-content/uploads/2023/05/Facts-Dont-Support-Economic-Argument-for-Proposed-Federal-Prison-in-Letcher-County-1.pdf>; <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1540-6237.2010.00690.x>

⁵ <https://www.npr.org/2022/10/17/1129402179/coal-producers-legally-must-restore-damaged-land-but-some-are-dodging-obligation>

that make up ARRI's budget. In the present House and Senate Appropriations bills, there is no dedicated funding for this program, significantly impacting OSMRE's ability to adequately reforest and revegetate mined lands for public and commercial usage, inhibiting public land usage and the development of related private business in rural areas of Appalachia.

Lastly, while our organizations are pleased with the increased budget allocation to the AMLER program proposed in the House appropriations bill, we are alarmed at the House committee's proposal to slash funding to OSMRE's operating budget if funds are not distributed to states and tribes within 90 days. This proposal from the House Appropriations committee seeks to address a problem of delays in getting AMLER dollars to the projects in a timely manner, but this problem is not caused by OSMRE.⁶ Per research conducted by the Reclaiming Appalachia Coalition, the primary delay in getting funding to AMLER projects is the "planning phase" including project designs and technical analysis. Reducing OSMRE's involvement does not fix these difficulties. Instead, OSMRE should allow states and tribes to use a portion of AMLER funding for technical assistance in a pre-application phase so that applicants that are ultimately awarded funding have better worked through the technical aspects of their projects before applying for grants.

Labor, Health and Human Services and Related Agencies Appropriation Act

Neither the House nor Senate Labor appropriations bills reauthorize the **Low Income Household Water Assistance Program (LIHWAP)**. Without the LIHWAP program, many low-income households are, and could become, at risk of losing their access to water through water shutoffs because they cannot afford to pay their water bills. Since the program began with an initial \$1 billion in funding authorized for FY22 and FY23, over 850,000 households across the country have benefitted.⁷ Utilities also benefit from the LIHWAP program. Households' inability to pay for services can cause revenue gaps for utilities, and requires them to spend money trying to collect and punish unpaid bills. Advocates across the country have called on Congress to appropriate \$500 million to continue this important program.⁸

Additionally, the House Labor appropriations bill proposes a 16% decrease to the **Mine Safety and Health Administration's (MSHA)** budget compared to FY23 levels, and is 27% less than the amount requested by the agency. Since 2013, MSHA's total full-time equivalents (FTEs) have decreased by approximately 30%. At the same time, due to increased exposure to silica dust, an epidemic of black lung disease has emerged in Central Appalachia over the last decade. The emergence of this epidemic corresponds to a decade of decline in the Mine Safety and Health Administration's staff. Such a significant decrease in funding for enforcement in conjunction with an increase of cases of this deadly disease is unconscionable.

Last, the House Labor and Health bill proposes a 50% cut to the budget for the **AmeriCorps** program. Since its inception in 1993, the **Corporation for National and Community Service (CNCS)** has supported AmeriCorps programs across the country, working with seniors, on community service projects, and aiding in much-needed conservation efforts at federal agencies, as well as all fifty states and

⁶ <https://reclaimingappalachia.org/wp-content/uploads/2022/06/GotFiveOnIt-FINAL-6-7-2022.pdf>

⁷ <https://lihwap-hhs-acf.opendata.arcgis.com/pages/quarterly-reports>

⁸ https://aclc.org/wp-content/uploads/2023/04/senate_-LIHWAP_approps_letter_March2023-1.pdf

US territories' related agencies. AmeriCorps programming significantly benefits local communities and provides on-the-job training for many young Americans who dedicate a portion of their life to national service opportunities. Reduction in budgets for CNCS of upwards of fifty percent does not "right-size" this vital agency, but rather reduces the efficiency of AmeriCorps programs and directly harms low-income communities who rely heavily on these members for capacity building support. We urge the Senate to retain the full budget for AmeriCorps as proposed by the Senate's Labor appropriations bill.

The budget cuts proposed by the House and Senate appropriations bills outlined above would be extremely harmful to efforts to revitalize and protect coal communities across the country. We ask that you continue to fight for and support health, safety, and economic development initiatives vital to coal-impacted communities in the final appropriations bills.

Sincerely,

The Alliance for Appalachia

Appalachian Citizens' Law Center

Appalachian Voices

Appalshop CMI

Breathe Project

Center For Coalfield Justice

Coal River Mountain Watch

Concerned Letcher Countians

East Kentucky Water Network

Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)

Friends For Environmental Justice

Friends of the Cheat

Kentucky Conservation Committee

Kentucky Resources Council

Kentucky Riverkeeper

Latino Farmers & Ranchers International, Inc.

Livelihoods Knowledge Exchange Network (LiKEN)

Martin County Concerned Citizens

Mid-Ohio Valley Climate Action

National Wildlife Federation

PennFuture

ReImagine Appalachia

Rise Up WV

RuralOrganizing.org Education Fund

Sierra Club

Taproot Earth

Virginia Organizing

West Virginia Council of Churches

West Virginia New Jobs Coalition

West Virginia Rivers Coalition

Western Colorado Alliance

Western Organization of Resource Councils