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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News

With Congress back in session, the Senate turned to more Biden cabinet confirmation hearings – some congenial and others not. Action on another round of COVID-19 relief continues along mostly partisan lines with legislation expected to pass the House. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus we have updates on how mining and energy markets are faring.

Safety Share

The Washington Post offered five tips for [securing a COVID vaccination appointment](#). Axios reported how social media are being used to [find vaccination opportunities](#) (and spread scams and misinformation).

House Moves Massive Public Lands Bill with Minerals Provisions

Yesterday, the House Committee on Rules and Administration held a markup of the package of lands bills [announced](#) last week by House Natural Resources Committee Chairman Raul Grijalva (D-Ariz.). [H.R. 803](#), Protecting America's Wilderness and Public Lands Act, would withdraw large swaths of federal lands from mineral entry as well as create new and sweeping wilderness and conservation designations. During the mark up, House Natural Resources Ranking Member Bruce Westerman (R-Ark.) testified on what he says is an unbalanced and partisan package, which does not take into consideration its effects on rural communities or the importance of utilizing mineral resources to maintain U.S. national security and economic competitiveness. Republicans stated the proposed withdrawal of land would block uranium extraction and highlighted data from the U.S. Energy Information Administration that found in 2019 the U.S. produced just one-half of one percent and imported 93 percent of its uranium needs for low carbon nuclear power. Rep. Michael Burgess (R-Tex.) added that continued import reliance means the U.S. will be dependent on minerals from countries where extraction and production happens under inadequate human rights and environmental standards.

Republicans called for amendments relevant to the mining industry to be made in order that include local county approval for mineral withdrawals, as well as a requirement for a study to determine if withdrawn land contains minerals needed for battery storage, renewable energy technology or electric vehicles. See [NMA's memorandum](#) from this morning concerning amendments the House may consider.

President Biden Signs Supply Chain Executive Order



President Biden today issued an [Executive Order on America's Supply Chains \(EO\)](#) highlighting threats to the availability of critical and essential goods. The EO calls for a supply chain review within the next 100 days evaluating four specific key supply chains: semiconductor manufacturing, high capacity batteries, strategic and critical materials, and medical supplies. It also requires the Departments of the Interior, Energy, Defense and Commerce, to produce an unclassified report with policy recommendations concerning supply chains for strategic and critical materials, including rare earth elements. The NMA has already been working with White House staff to contribute to this initial EO and will continue to work with the federal agencies tasked with responsibilities for implementing this EO with the White House National Economic Council and National Security Council. See [NMA's press release](#) and the [full text of the EO](#).

Draft Bill to Expand Black Lung Benefits in the Senate

U.S. Sen. Mark Warner (D-Va.) released a [discussion draft](#) of the “Relief for Survivors of Miners Act of 2021.” If passed, the legislation would amend the Black Lung Benefits Act (BLBA) by streamlining the adjudication of claims under BLBA for benefits for the survivors of miners who died from pneumoconiosis (black lung). Sen. Warner’s office also prepared and released a [summary](#) of the draft.

Key provisions of the draft include:

- The addition of a rebuttable presumption for when a deceased miner is at least partially disabled due to pneumoconiosis at the time of death, then the death was due to black lung;
- The Secretary of Labor (SOL) would establish a payment program (the Fund) to pay survivors’ attorney fees and medical expenses during the claims process for “qualifying claims,” which are defined as contested claims for which no final order has been issued within one year of filing the claim;
- Taking from the Fund, the SOL would be permitted to approve attorney fees of \$4,500 and medical expenses of \$3,000 for each qualifying claim;
- In qualifying claims that result in a final order awarding compensation under BLBA, the liable coal operator would reimburse the Fund’s fees and expenses incurred by the survivor during the process; and
- If the Fund fails to pay fees and expenses during the claims process, the coal operator would be liable for payment.

Sen. Warner’s office has solicited support from NMA and several of our members. NMA has organized a call to discuss the details of the bill on Friday, February 26. Additional details will be forthcoming.

NMA Explores New Opportunities with FERC



Last week the Federal Energy Regulatory Commission (FERC) held its first meeting with newly appointed Democratic Chairman Glick at the helm. Of interest to the coal industry, the Commission [voted](#) 4-1 to close its resilience docket, ending a proceeding that had languished before the Commission for years without action. Recall that this proceeding had a politically charged record that was rooted in a proposal unanimously rejected by FERC and tainted by false claims it was an effort to bail out the coal industry. In the words of Republican Commissioner Danly, keeping this docket open for years without any movement gave “false hope to people who have really wished to see action taken.” Closing the chapter on this stagnant docket gives the coal industry an opportunity to reengage the Commission on the necessity of coal-based generation for a resilient grid from a fresh perspective that is better informed by more recent events.

FERC also announced a number of new initiatives, including establishing its Office of Public Participation, environmental justice considerations, and a technical conference on modernizing electricity market design. For more details, [click here](#) [link to Friday memo]. NMA will continue to strongly advocate the coal industry’s perspective in comment submissions and any other engagement opportunities.

The changes in the commission’s membership also are an opportunity to educate commissioners about the industry’s priorities. The NMA is working to schedule meetings between Rich Nolan and the new FERC commissioners to explain the critical importance of coal to providing reliable and affordable electricity nationwide.

Chairman Pallone Releases Clean Electricity Standard Legislation

The House Energy and Commerce Subcommittee on Energy last week held its first [hearing](#) of the 117th Congress titled, “A Smarter Investment: Pathways to a Clean Energy Future.” Initially scheduled to study how to decarbonize the power grid, the energy collapse from severe weather in Texas and other central states became the focus of the debate.

Speaking in support of an all-of-the-above energy approach, Congressman Michael Burgess (R-Texas) called for increased reliability and resiliency of the electrical grid. Full Committee Ranking Member Cathy McMorris Rodgers (R-Wash.) said the incident shows just how over-reliant we are on intermittent power. She emphasized that eliminating fossil fuels to reduce carbon emissions will not help reach the 2050 goal, but rather technology and major changes in domestic mining and manufacturing will be needed.

The hearing occurred shortly after committee leadership released draft text for the [Clean Future Act](#) – a climate plan including a federal clean electricity standard and a variety of spending authorizations for efficiency and grid infrastructure to ensure the U.S. achieves net-zero greenhouse gas pollution no later than 2050. The draft legislative text is available [here](#) and a section-by-section is available [here](#). Full Committee Chairman Frank Pallone (D-N.J.) said he plans to unveil the final bill in the coming weeks that will serve as a basis for comprehensive climate action this year. The NMA team is reviewing the draft text and complete legislation. We will discuss the proposals at the upcoming task force meetings and look for opportunities to pursue NMA priorities.

Rep. Deb Haaland's Senate Confirmation Hearing to Serve as Secretary of Interior



Yesterday, the Senate Energy and Natural Resources Committee (ENR) held the first of a two-day confirmation hearing for Congresswoman Deb [Haaland](#) (NM-01) to serve as the Secretary of the Department of the Interior (DOI). Please find a link to the hearing [here](#). Elected to Congress in 2019, Rep. Haaland served as the Vice-Chair of the House Natural Resources Committee and Chair of the Subcommittee on National Parks, Forests and Public Lands. During her time in Congress, she has cosponsored several pieces of legislation that would impact the mining industry, including House Natural Resources Committee Chairman Grijalva’s Mining Law [bill](#) as well as a [bill](#) to increase the minimum royalty rate for onshore coal, oil and gas from 12.5 percent to 18.75 percent. Rep. Haaland also cosponsored a [resolution](#) to support the Green New Deal and introduced [another](#) that became the basis for President Biden’s 30 by 30 Plan to conserve 30 percent of the nation’s lands and waters by 2030.

During the confirmation hearing, for which the NMA prepared numerous questions related to association priorities for allies on the committee, Rep. Haaland answered questions from senators on topics including regulation of coal and hardrock mining, the Office of Natural Resource Revenues Valuation Rule, and the Resolution Copper Project. Chairman Manchin specifically asked Rep. Haaland if her support for extending coal abandoned mine land reclamation fees meant she would be “receptive to looking at the hardrock mining to make sure they come into compliance to take care of their responsibilities?” See the [NMA’s memorandum from yesterday](#) for a further summary questions and answers.

The hearing continued today. A committee vote for the Haaland nomination is not yet scheduled. The NMA will provide a follow up memo after the hearing concludes highlighting additional items of importance to the mining industry.

Virginia Mining Legislation

There was contentious debate in Richmond last week as the Virginia Senate passed HB 2213. The bill originally called for a ban on gold mining in the commonwealth until a study of impacts could be completed by a state sanctioned work group. The final language eliminated the idea of a ban but does move forward with a study on mining impacts. Specifically, the bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by July 1, 2022.

NMA and Third-Party Voices

The NMA team has been working aggressively to push coal's messaging around the Texas power crisis, reaching out to more than 30 broadcast producers and bookers, speaking with dozens of print journalists, pushing information across our social networks through both earned and paid campaigns, in editorials, and through our third-party network. That work has included the following:

- The [Washington Times](#) (DC) carries an op-ed by Rich Nolan in which he argues transitioning the power grid erodes fuel security and contributes to crises like that in Texas.
- [The Dallas Morning News](#) (TX) carries an op-ed from Bernard Weinstein, the recently retired associate director of the Maguire Energy Institute at Southern Methodist University, in which he argues Texas needs a capacity market that acknowledges the value of baseload power plants.

- [Inside Sources](#) (DC) carries an op-ed from Matt Kandrach, the president of Consumer Action for a Strong Economy, in which he argues the Texas electricity crisis should be the wakeup call the country needs to put reliable, affordable power first.
- [The Prescott News](#) (AZ) carries an op-ed from Syd Peng, the Charles E. Lawall Chair of Mining Engineering emeritus in the Department of Mining Engineering at West Virginia University, in which he argues securitization-backed closure of coal plants is putting shareholders before electricity consumers.
- The [Alaska Journal of Commerce](#) (AK), [Casper Star Tribune](#) (WY), [Memphis Commercial Appeal](#) (TN), [Logan Daily News](#) (OH), [Somerset Daily American](#) (PA), [The Tennessean](#) (TN), [Elko Daily Free Press](#) (NV), [Montgomery News](#) (PA), [Colorado Springs Gazette](#) (CO), [Deming Headlight](#) (NM), [Greeley Tribune](#) (CO), [Arizona Capitol Times](#) (AZ) and [Eaton Express Times](#) (PA) carry an op-ed by Terry Jarrett, an energy attorney and consultant who has served on both the board of the National Association of Regulatory Utility Commissioners and the Missouri Public Service Commission, in which he argues that coal is necessary during extreme weather conditions.

On minerals media:

- The NMA issued a [press release](#) on and is [working to educate reporters about](#) today's executive order regarding supply chain security.
- [The NMA issued a press release](#) that was picked up by [Global Mining Review](#) opposing Rep. Grijalva's Grand Canyon Protection act.
- [The Omaha World-Herald](#) (NE) carries an op-ed from Barry Butterfield, a retired nuclear engineer and emeritus member of the American Nuclear Society, in which he argues the U.S. must prioritize the development of a domestic electric vehicle mineral supply chain if it hopes to compete with China for the future of transportation.

- [The Salt Lake Tribune](#) mentions the NMA in a report highlighting that the creation of the federal uranium stockpile came after years of lobbying.
- The NMA is quoted in an editorial from the [Lima News \(OH\)](#) in an op-ed which warns against sourcing minerals for electric vehicles from China.

Mining and Energy News

Polar Vortex Blackouts Special Focus: Calls for investigations began at [federal](#) and [state](#) levels. Arguments over “who failed more, wind or natural gas” in [Bloomberg](#), [Los Angeles Times](#), [New York Times](#), [Utility Dive](#), and [Associated Press](#) all ignored closure of coal-fueled generating capacity as a factor. International Energy Agency compiled an [in-depth review](#) of the Texas outages. A Congressional hearing originally intended to discuss clean energy was dominated by [discussion of the blackouts](#). [Bloomberg](#) reported Texas power sales [totaled \\$50.6 billion](#) compared to \$4.2 billion the week prior to the blackouts – costs that will be borne by consumers and taxpayers. [Roanoke Times](#) spelled out how [coal stepped up](#) during the polar vortex. [E&E News](#) published: “Will Texas blackout [offer coal a lifeline](#)?” In the immediate wake of the polar vortex blackouts, U.S. Federal Energy Regulatory Commission [closed a grid resilience proceeding](#) that was going nowhere.

[The U.S. Environmental Protection Agency emissions data for 2020 shows](#) a 19 percent decline in SO₂ emissions compared to 2019, a 16 percent decline in NO_x emissions, an 11 percent decline in CO₂ emissions, and a 17 percent decrease in Hg emissions.

[The Guardian](#) reported that the current mining boom could herald a commodity 'supercycle.'

[Financial Times reported that](#) China is considering rare earth export curbs that could hobble the U.S. defense industry.

[Bloomberg reported that “Metals are soaring](#) on a green frenzy and global recovery.”

[Sprott reported](#) that silver is a vital component for a clean energy future.

[Quartz reported](#) that electric vehicles are fueling the U.S. lithium boom.

[The Gold Council’s recent](#) report on gold highlights the value of gold as a strategic asset in 2021.



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