

December 12, 2022

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy:

The undersigned organizations write to express our strong opposition to Senator Joe Manchin's (D-WV) Building American Energy Security Act of 2022 (the bill), which was just released on December 7, 2022. We strongly urge you to not enact the legislation in any form during the lame duck session.

Although the United States needs permitting reform, the bill does not provide this. Instead, it would expand the power of the Federal Energy Regulatory Commission over the electricity grid and the approval of transmission lines at the expense of states and Americans. It uses permitting reform as a pretext to radically transform electricity markets and trample on state rights. It would even force state residents to pay the costs in electricity rates across a region—regardless of whether a state uses the electricity.

The bill's so-called NEPA "reforms" are filled with toothless language, such as "good cause" exceptions, which would give agencies easy ways to get out of any of the bill's illusory requirements. NEPA has been exploited to delay, or end, all kinds of projects, including upgrades and improvements to highways, the electricity grid, and water systems. Yet Senator Manchin's legislation limits its "reforms" only to energy projects.

Beyond these major substantive problems, the just-released bill was developed behind closed doors, without hearings or the necessary process and transparency that is warranted for a critical issue like permitting reform. The lame duck session only exacerbates the process problems, through reduced accountability and rushed legislation.

Our organizations strongly support the need for permitting reform and believe the 118th Congress should take up the issue. The Manchin legislation though is not merely a weak effort at permitting reform, it is a Trojan horse to push radical policy changes with minimal debate or accountability. This is unacceptable.

For these reasons, we strongly urge you to reject Senator Manchin's Building American Energy Security Act of 2022.

Thank you for considering our views.

Sincerely,

Heritage Action for America

American Energy Alliance

Competitive Enterprise Institute

The Cornwall Alliance for the
Stewardship of Creation

Energy & Environment Legal Institute

John Locke Foundation

Heartland Institute

Independent Women's Voice

National Center for Public Policy Research

Project 21 Black Leadership Network

Roughrider Policy Center

Texas Public Policy Foundation