

March 11, 2025

Dear Members of the Energy and Natural Resources Committee,

We write to respectfully urge you to oppose S. 714 during this week's scheduled floor vote. S. 714 amends the Energy Act of 2020 to conflate the Department of Energy's (DOE) critical materials list with the United States Geological Survey's (USGS) critical minerals list. While the current lists substantially overlap, DOE lists copper where USGS does not. An agency's criticality listing can potentially determine eligibility for certain Inflation Reduction Act (IRA) tax credits or the FAST-41 speedy permitting program.

S. 714's effect is to allow copper mine proponents to claim Inflation Reduction Act tax credits for which they are currently ineligible. The bill also eases eligibility for copper mines to qualify for speedy permitting under FAST-41. These twin outcomes undercut our climate, environmental justice, and mineral security goals by prioritizing mining over better copper sourcing options.

Congress designed the materials and minerals lists maintained by USGS, DOE and the Defense Logistics Agency (DLA) for different purposes. The lists draw on tailored methodologies and forecasting techniques to further each agency's mission. For instance, USGS determined copper is not critical primarily because 32% of annual domestic consumption comes from recycled scrap.

The purpose of DOE's critical materials list is specifically for securing supply chains for the energy sector, especially renewable energy applications. DOE listed copper as a near term critical material in order to more efficiently deploy the IRA's 48C tax credit. Potentially allowing copper mines to now claim the IRA's 48C credit dilutes its benefit and purpose. It also provides another unnecessary handout to the mining industry that already received the IRA 45X credit, pays zero federal royalties; and deducts a certain percentage of their taxable income based upon asset depletion, known as the percentage depletion allowance. On public lands, those assets copper miners deplete are the minerals belonging to all Americans.

Copper mines do not need a speedy permitting scheme nor should they become eligible for tax credits intended for clean energy projects. For these reasons, we respectfully urge you to oppose S 714. Thank you for your consideration.

Alaska Wilderness League

All About Adventure

Black Hills Clean Water Alliance

Center for Biological Diversity

Citizens to Protect Smith Valley (NV)

Earthjustice

Earthworks

Endangered Species Coalition

Environmental Protection Information Center- EPIC

Friends of the Earth

Gila Resources Information Project

Great Basin Resource Watch

Great Basin Water Network

Idaho Rivers United

League of Conservation Voters

League of Women Voters Duluth

Mining Impact Coalition of Wisconsin

Minnesota Center for Environmental Advocacy

Minnesota Division, Izaak Walton League\

Minnesota Interfaith Power & Light MNIPL

Natural Resources Defense Council

Northeastern Minnesotans for Wilderness

Northern Alaska Environmental Center

NM Environmental Law Center

Okanogan Highlands Alliance

Protect the Kobuk

River Alliance of Wisconsin

Save Lake Superior Association

Save the Scenic Santa Ritas

The Wilderness Society

Upper Peninsula Environmental Coalition

WaterLegacy

W.J. McCabe Chapter, Izaak Walton League of America