

*Congress Should Stop Transfer of Federal Land and
American Natural Resources to Foreign Entities*

**Written Testimony
of Chairman Terry Rambler, San Carlos Apache Tribe
House Natural Resources Subcommittee on Energy and Mineral Resources
Hearing: “Powering the 21st Century with American Copper”
April 29, 2026**

Dagot’ee, greetings. My name is Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe (“Tribe”), representing over 17,500 enrolled members. We are located on the San Carlos Apache Reservation (“Reservation”), which spans 1.8-million acres in southeastern Arizona. The U.S. entered into the ratified Apache Treaty of Santa Fe in 1852 to end hostilities. The original Reservation boundaries were established by President Grant on November 9, 1871. The U.S. Calvary, through brutal military campaigns, forcibly removed Apache bands to the Reservation in the latter half of the 1800’s, and the Reservation was a concentration camp until the early 1900s. The San Carlos Apache people remain deeply connected to our traditions, our culture, and our ancestral homelands.

Connecting the Dots between the People’s Republic of China and Resolution Copper

Given the geopolitical and national security threat that the People’s Republic of China (PRC) poses to the United States, Congress should halt the transfer of federal land called Oak Flat in the Tonto National Forest (TNF) in Arizona to Resolution Copper Mining Limited Liability Company (RCM) to protect American interests.

RCM is a joint venture of the world’s two largest foreign mining entities, Rio Tinto (55%) and BHP (45%). RCM was formed to (1) acquire federal Oak Flat and (2) extract American copper located beneath it for export likely to China, putting U.S. national security at risk.

PRC is Rio Tinto’s [largest shareholder](#). [Chinalco](#), a company wholly owned by the PRC, owns 14.57% of Rio Tinto - more than double any other shareholder. Rio Tinto generates nearly 60% of its revenue through the export of minerals to China, and BHP generates over 62% of its revenue through the export of minerals to China. Rio Tinto and BHP enable the PRC to dominate global copper supply chains. PRC is the biggest market for [Rio Tinto](#) and [BHP](#). See attachment.

In 2014, congressional allies of RCM inserted the Southeast Arizona Land Exchange Act (Section 3003) as a closed-door, last-minute rider in the FY15 NDAA. Section 3003 gives over 2,400 acres of the federal Oak Flat area to RCM so Rio Tinto/PRC and BHP can mine copper from 1-mile beneath Oak Flat, which will result in a 1.8-mile crater over 1,000 feet deep, to then ship overseas, likely to the PRC, for smelting/sale. This mine will produce 1.37 billion tons of toxic waste that will be stored in perpetuity in the Gila River watershed. See attachment.

Section 3003 lacks any requirement for RCM to sell the copper it extracts from beneath Oak Flat in the U.S. or any requirement that this copper benefit American consumers. RCM has

always fought legislative amendments that would have required it to keep Oak Flat copper in the U.S. During the 2013 House floor debate on the Southeast Arizona Land Exchange, Representative Grijalva pointed out that “Rio Tinto has a long-established partnership to supply copper to China—they repeatedly stated—and at a hearing refused to say what percentage of the copper generated from Federal lands would be retained and processed in the United States.”

RCM has never formally promised it will process the copper in the U.S. rather than export it overseas. The reason is simple. The U.S. only [has two operating copper smelters](#), and they are at capacity and expected to remain so for decades to come. China is by far the [leading importer](#) of unprocessed copper and [operates eight of the 20 largest](#) copper smelters in the world.

The PRC has ramped up malign actions, abusive behavior, and influence within the United States, exposing Americans and America to ever increasing security and economic vulnerabilities. In response, Congress should reverse the 2014 legislative giveaway of federal land and American natural resources to foreign entities, including the PRC.

Congress should Prohibit the Export of Taxpayer Mineral Resources from Federal Land

RCM falsely claims that Oak Flat copper will meet 25% of U.S. demand. The truth is RCM does not intend to keep this copper in the U.S. RCM plans to ship Oak Flat copper concentrate overseas, likely to the PRC.

RCM has never released any specific plan to refine Oak Flat copper in the U.S. so that it can be used by American consumers. RCM vaguely asserts in its [General Plan of Operations](#) that copper concentrate will be prepared for “shipment to domestic and/or global markets for additional processing. There are no plans for an onsite smelter or other secondary refining plants.” RCM has refused to release unrefined copper concentrate transportation costs in pending litigation.

The [U.S. Geological Survey reports](#) that over 30% of the copper mined in the U.S. is already exported due to lack of smelter capacity. Arizona copper mines already export billions of dollars’ worth of copper concentrate each year via trains to the Mexican Port of Guaymas for shipping to Asian markets, including China. RCM executives have held [meetings](#) with Port of Guaymas officials in order to do the same. See attachment. The Arizona Department of Transportation in its [State Freight Plan reported](#) on RCM that, “the majority [of smelting] is expected to take place outside the State and likely outside of the U.S.”

The Resolution Copper Mine is a windfall gift of Congress to the PRC of federal land and U.S. copper resources at the expense of American taxpayers while putting U.S. national security at even greater risk.

Giveaway of Sacred Oak Flat to RCM/PRC is Human Rights Violation against Tribes

For hundreds of years, the Oak Flat area, known in Western Apache as Chi'chil Bildagoteel meaning “a broad flat of Emory oak trees”, has been a place of cultural and religious significance to our people. Congress should not partner with foreign mining entities to commit human rights violations against us, the First Americans, by destroying Oak Flat. What we have long known through our traditions and family stories has been meticulously [verified](#) by leading anthropologists. That's why Chi'chil Bildagoteel is listed on the [National Register of Historic Places](#) as a Traditional Cultural Property. It is a place of power, a holy place where we practice our religion, gather our medicinal plants and Emory oak acorns. This is where we hold sacred coming of age ceremonies for our young women and where we seek inspiration from our Holy Spirits and Creator. See pictures in attachment. Oak Flat is akin to the Wailing Wall and St. Peter's – it cannot be replaced. It must not be destroyed.

Oak Flat is not only a sacred area for the San Carlos Apache Tribe, but as noted by the ethnographic study prepared for TNF, 9 other tribes have traditional ties to the area. These tribes have cultural resources on and maintain strong cultural ties to this land. TNF encompasses Oak Flat. Like the vast majority of federal lands, TNF is carved out of the ancestral homelands of Indian tribes. Our historical and spiritual connection to these lands was never extinguished. Instead, our connection and ability to access these federal lands for religious and cultural purposes is guaranteed through treaties, federal court decisions, and federal laws.

RCM seeks to construct a massive copper mine on what is currently public land that will create a 1.8 mile wide crater over 1,000 feet deep, destroying Oak Flat. RMC also plans to develop over 20 miles of pipelines to slurry toxic waste, electrical corridors, and roads through TNF. These foreign companies plan to dump 1.37 billion tons of toxic waste in an area spanning 6.2 square miles that will be taller than the Washington Monument in a major watershed in Arizona. See attachment.

With rapidly dwindling water resources in the west, we are alarmed by the massive amount of water RCM would use and contaminate. This mine will use at least 775,000 acre feet, or over 250 billion gallons, of water -- enough for a city of 140,000 people annually over 40 years -- in a region that is experiencing a megadrought and already subject to significant water use restrictions. The project will fracture and deplete local aquifers and lower groundwater levels by hundreds of feet in some areas while contaminating local water sources. Most of this water will be used to slurry toxic waste. In the end, all of this destruction will not result in substantial benefits to the American people but instead will enrich foreign entities, including the PRC.

The Arizona State Land Department (ASLD) shared its concerns regarding RCM's water demands/impacts on the East Salt River Valley. ASLD, in a letter to TNF dated November 7,

2019, warned that RCM’s heavy groundwater pumping will result “in the loss of the development of at least 3,440 acres of State Trust land” in the Superstition Vistas Planning Area. Nearby State Trust land was recently auctioned to a developer for \$156,000 an acre. ASLD concluded that RCM’s “negative impact of the proposed ground water consumption sourced from Superstition Vistas Planning Area far outweighs the estimated financial benefits to the Trust resulting from other aspects of the project *by a factor of 20:1*,” with a “minimum potential loss to the Trust of at least \$536,640,000 in revenue.”

Numerous tribes and tribal organizations, including an overwhelming majority of tribal governments in Arizona, the Inter-Tribal Association of Arizona, and the National Congress of American Indians, local and national environmental and conservation groups, outdoor recreation groups, and religious/faith organizations have strongly opposed RCM for many years.

Conclusion

For centuries, Oak Flat has been a sacred place for Apaches and other tribes. The U.S. recognized the spiritual importance of Oak Flat, listing the area as a traditional cultural property on the National Register of Historic Places. The RCM project will destroy Chi’chil Bildagoteel, and it cannot be replaced once it is gone. We cannot build it somewhere else.

We have testified many times in opposition to Section 3003 and RCM. Our objections to adding Section 3003 as a last-minute rider to the FY15NDAA ring as true today as they did then. But what has changed is the ever increasing escalation of supply chain threats the PRC poses against the U.S., putting America at risk.

RCM plans to export Oak Flat copper, likely to the PRC, and no law exists to stop it. We urge Congressional proponents of RCM to dig into the connections between the PRC and RCM. If you were to do this, then you would see that RCM is going to put the PRC first, not America.

As we say in our Apache language, Ahi’yi’é (thank you) for considering this testimony.