Congressional Research Service
Informing the legislative debate since 1914

IN FOCUS

Updated June 26, 2026

U.S. Interest in Seabed Mining in Areas Beyond National Jurisdiction: Brief Background and Recent Developments

In 1980, Congress passed the Deep Seabed Hard Mineral Resources Act (DSHMRA; 30 U.S.C. §§1401 et seq.) as an interim measure to allow the United States to proceed with seabed mining activities in areas beyond national jurisdiction (ABNJ) until an international regime was in place (i.e., the United Nations Convention on the Law of the Sea [UNCLOS]). DSHMRA established a framework for authorizing U.S. citizens (e.g., individuals, corporations) to explore for and recover minerals from the seabed in ABNJ. In general, *exploration* means the at-sea observation, evaluation, and taking of seabed minerals as needed to design and test mining equipment, and *commercial recovery* means the actual at-sea mining and processing of seabed minerals for the primary purpose of commercial use (30 U.S.C. §1403).

On April 24, 2025, President Trump issued Executive Order (E.O.) 14285, "Unleashing America's Offshore Critical Minerals and Resources," which directed certain federal agencies, including the National Oceanic and Atmospheric Administration (NOAA), to advance seabed mining activities as part of a broader national effort to secure reliable supplies of critical minerals. This In Focus discusses the actions of NOAA and U.S. companies related to seabed mining in ABNJ as well as congressional interest in the topic. The Department of the Interior's Bureau of Ocean Energy Management and its regulation of mineral-related activities is beyond the scope of this In Focus.

UNCLOS and the International Seabed Authority

UNCLOS was adopted in 1982, establishing a comprehensive international legal framework to govern activities related to the global ocean, including seabed mining. In 1994, the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (commonly known as the 1994 Agreement) substantially modified the seabed mining provisions of UNCLOS to address concerns held by many industrialized nations. After the adoption of the 1994 Agreement, UNCLOS received the necessary number of signatories for UNCLOS to enter into force. The United States is not a party to UNCLOS or the 1994 Agreement.

UNCLOS also established the International Seabed Authority (ISA), an autonomous organization that regulates parties to UNCLOS conducting mineral-related activities in ABNJ. The ISA came into existence with the adoption of the 1994 Agreement and became fully operational in 1996. The United States participates as an observer state in the ISA but, as a nonparty, has no vote in ISA business and cannot apply for or obtain a contract for seabed mining exploration or exploitation through the ISA. To date, the ISA has issued 31 exploration contracts in ABNJ, of which 17 are located in the Clarion-Clipperton Zone (CCZ). The CCZ is a 1.7-million-square-mile area of the seafloor in the Pacific Ocean between Hawaii and Mexico that is estimated to contain more cobalt, manganese, and nickel—identified by the U.S. Geological Survey as critical minerals—than all known land deposits combined. The ISA is working toward finalizing exploitation regulations and has not issued any exploitation contracts (DSHMRA uses the term *commercial recovery permits*, which would serve a similar purpose to *exploitation contracts* issued by ISA).

Exploration Licenses Issued by NOAA

DSHMRA authorized the NOAA administrator to issue exploration licenses and commercial recovery permits to U.S. citizens for seabed mining activities in ABNJ (30 U.S.C. §1412). In 1984, NOAA issued exploration licenses for four sites located in the CCZ. NOAA issued exploration licenses to four U.S. mining consortia, three of which were multinational private sector consortia with participating American companies. NOAA issued the following:

- **USA-1** to Ocean Minerals Company, comprising Cyprus Minerals and Lockheed Martin Corporation (American companies);
- **USA-2** to Ocean Management Inc., comprising Schlumberger Technology (an American company) and Canadian, German, and Japanese companies;
- **USA-3** to Ocean Mining Associates, comprising Essex Minerals Co. and Sun Ocean Ventures, Inc. (American companies) and Belgian and Italian companies; and
- **USA-4** to Kennecott Consortium, comprising Kennecott Utah Copper Corporation (an American company) and British, Canadian, and Japanese companies.

NOAA issued these licenses 10 years before UNCLOS entered into force and 12 years before the ISA became operational. NOAA has not issued exploration licenses since 1984. The agency has approved extension requests following the initial 10-year periods of the licenses. A license can be extended for five-year periods (30 U.S.C. §1417(a)). NOAA has not issued any commercial recovery permits.

Two of the four exploration licenses issued by NOAA (USA-2 and USA-3) were relinquished in the late 1990s (64 *Federal Register* [*FR*] 3563). USA-1 and USA-4 remain the only active exploration licenses issued by NOAA pursuant to DSHMRA. Lockheed Martin holds both licenses. It became the sole holder of the licenses by different means. In 1993, Kennecott Consortium relinquished USA-4 to NOAA (58 *FR* 33933). Ocean Minerals Company, the consortium including Lockheed Martin, applied for USA-4 (58 *FR* 34782), and NOAA issued the license in 1994 (59

FR 66942). In 1995, Cyprus Minerals withdrew from Ocean Minerals Company, leaving Lockheed Martin as the sole company overseeing USA-1 and USA-4.

USA-1 and USA-4 are expected to be in effect through June 2, 2027 (87 *FR* 52743). In 2021, the ISA designated an area that partially overlaps with USA-1 as an *Area of Particular Environmental Interest*. The designation precludes UNCLOS parties from seabed mining activities in the area. This action appears to question whether NOAA-issued licenses have international recognition. Because the United States is not a party to UNCLOS, any future NOAA-issued licenses and permits that may (or may not) overlap with ISA designations could have similar uncertainty. According to a 2017 NOAA notice, "any rights a U.S. company may have domestically are not secured internationally."

Lockheed Martin may submit an extension request to NOAA at least six months prior to June 2, 2027, to retain USA-1 and USA-4. If the licenses are not extended, U.S. entities can request NOAA transfer USA-1 and/or USA-4, pursuant to 15 C.F.R. §970.516.

Pending Applications to NOAA

E.O. 14285 directed NOAA, in consultation with the Departments of State and the Interior, to expedite the process for reviewing and issuing licenses and permits under DSHMRA, among other actions. NOAA reportedly has received "over 10 applications" since the E.O. was issued. Once NOAA determines an application to be fully compliant with DSHMRA, the agency will publish a notice in the *Federal Register* (15 C.F.R. §970.212 and 15 C.F.R. §971.212). As of the date of this publication, NOAA has determined that five applications are fully compliant with DSHMRA (90 *FR* 60064, 91 *FR* 13822, 91 FR 32957):

- The Metal Company's (TMC's) U.S. subsidiary, TMC USA, submitted two exploration license applications (A and B). TMC, a Canadian company, has two other foreign subsidiaries: Nauru Ocean Resources Inc. (NORI) and Tonga Offshore Mining Limited (TOML). Through sponsorships with Nauru and Tonga (both UNCLOS parties), NORI and TOML each hold one ISA exploration contract in the CCZ. TMC USA's applications to NOAA overlap with portions of Nauru's and Tonga's respective ISA exploration contract areas.

- American Metal Resources (AMR) submitted one exploration license application. It overlaps with some ISA-designated reserved areas in the CCZ as well as a portion of another company's application to NOAA.

- SeaX (a subsidiary of AMR) submitted one exploration license application. It overlaps with some ISA-designated reserved areas in the CCZ.

- American Deep Sea Minerals submitted one exploration license application for an ABNJ in the Penrhyn Basin. The requested area is bounded by waters under the national jurisdiction of the Cook Islands, Kiribati, and French Polynesia. The area is not part of the CCZ.

A fully compliant application does not mean an application will be certified and that a license or permit will be issued. NOAA certified one of TMC USA's exploration license applications (B) on May 26, 2026.

On January 21, 2026, NOAA issued a final rule that revised its seabed mining regulations to include a "consolidated license and permit application process in which applicants could meet both exploration license requirements, to establish priority of right, and permit requirements simultaneously" (91 *FR* 2642). The final rule is reflected in 15 C.F.R. §971.214. On January 22, 2026, TMC USA submitted a consolidated application, and on May 1, 2026, TMC USA announced that NOAA determined the application to be fully compliant with DSHMRA.

Recent Congressional Interest

Congress may continue to consider seabed mining issues in the context of E.O. 14285 and U.S. industry interest in acquiring NOAA exploration licenses and commercial recovery permits for seabed mining in ABNJ. Some Members have introduced legislation in the 119th Congress that would codify E.O. 14285 (e.g., H.R. 3803) or mandate that certain federal entities act on aspects of the E.O. (e.g., H.R. 4018, S. 2860). These bills reiterate that "the United States faces unprecedented economic and national security challenges in securing reliable supplies of critical minerals independent of foreign adversary control" as stated in the E.O. Some Members have questioned how seabed mining could address these challenges given no commercial-scale processing facilities for seabed minerals exist.

The three bills also would direct NOAA to expedite the authorization of U.S. seabed mining activities in ABNJ under DSHMRA. According to the ISA, however, authorization of seabed mining activities outside the UNCLOS framework (e.g., via DSHMRA) "may incur legal, diplomatic, economic, security, financial and reputational risks." Congress may weigh in on the extent to which the issuance of new NOAA licenses and permits might present geopolitical disagreements. Views on the potential for such disagreements vary. While four of the five applications made public by NOAA overlap with ISA-designated areas, TMC, AMR, and SeaX each stated in their applications they do not anticipate any conflicts. In contrast, the Secretary-General of the ISA stated that "any unilateral action ... sets a dangerous precedent that could destabilize the entire system of global ocean governance."

U.S. accession to UNCLOS may reduce the potential for geopolitical disagreements, at the cost of replacing U.S. government decisionmaking with that of an international body. Weighing the advantages and disadvantages of giving U.S. entities access to ISA contracts through U.S. accession to UNCLOS is an ongoing issue for Congress. S.Res. 331 calls for the Senate to take up UNCLOS. Some experts argue the United States has the authority to mine ABNJ.

Other Members have introduced legislation (H.R. 664) to prohibit NOAA from authorizing seabed mining activities in ABNJ until more is known about its environmental impacts. Separately, H.R. 663 would instruct the President to call for an international seabed mining moratorium until the ISA adopts a regulatory framework. As of June 2026, more than 40 countries have announced their opposition to deep-seabed mining.

Caitlin Keating-Bitonti, Specialist in Natural Resources Policy

IF12608

Disclaimer