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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 and ratified (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 (EO) 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).

DSHMRA 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 four exploration licenses 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 licenses’ initial 10-year periods. 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). 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.

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.”

DSHMRA Applications Under Review by NOAA

EO 14285 directed NOAA, in consultation with the Departments of State and the Interior, to expedite the process for reviewing and issuing exploration licenses and commercial recovery permits under DSHMRA, among other actions. On January 21, 2026, NOAA issued a final rule that revised its seabed mining regulations to include a consolidated application process “in which applicants could meet both exploration license ... and permit requirements simultaneously” (91 *FR* 2642). The final rule is reflected in 15 C.F.R. §971.214.

NOAA reportedly has received “over 10 applications” since the EO 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). A fully compliant application does not mean an application will be certified and that a license or permit will be issued. As of the date of this publication, NOAA has determined that five exploration applications and one consolidated application are fully compliant with DSHMRA (90 *FR* 60064, 91 *FR* 13822, 91 *FR* 32957, 91 *FR* 53608). The following four companies have fully compliant applications.

- **The Metals Company (TMC) USA** has submitted two exploration license applications (USA-A and USA-B). In addition, following NOAA’s final rule related to a consolidated application process, TMC USA submitted a consolidated application over its USA-A exploration area on January 22, 2026. This is the first consolidated application to be submitted to NOAA. In May 2026, NOAA certified TMC USA’s USA-B exploration license application. NOAA then announced its intent to prepare an Environmental Impact Statement for the USA-B application on August 17, 2026. TMC, the Canadian parent 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 exploration and consolidated applications overlap with

portions of Nauru’s and Tonga’s respective ISA exploration contract areas.

- **American Metal Resources (AMR)** has 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) has submitted one exploration license application. It overlaps with some ISA-designated reserved areas in the CCZ.
- **American Deep Sea Minerals** has submitted one exploration license application for an ABNJ in the Penrhyn Basin. This 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.

Recent Congressional Interest

Congress may continue to consider seabed mining issues in the context of EO 14285 and U.S. industry interest in acquiring DSHMRA licenses and permits for seabed mining in ABNJ. Some Members have introduced legislation in the 119th Congress that would codify EO 14285 (e.g., H.R. 3803) or mandate that certain federal entities act on aspects of the EO (e.g., H.R. 4018, S. 2860). These bills reiterate that “securing reliable supplies of critical minerals independent of foreign adversary control” is an economic and national security concern. Some Members have questioned how seabed mining could address these concerns given no commercial-scale processing facilities for seabed minerals exist.

Congress also may weigh in on the extent to which the issuance of new DSHMRA licenses and permits might present geopolitical disagreements. Views on the potential for such disagreements vary. While five of the six 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 U.S. accession to UNCLOS is an ongoing issue for Congress (e.g., S.Res. 331). 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. H.R. 663 would instruct the President to call for an international seabed mining moratorium. More than 45 countries oppose deep-seabed mining.

For Further Reading

For further discussion of seabed mining activities in ABNJ and issues for Congress, see CRS Report R47324, *Seabed Mining in Areas Beyond National Jurisdiction: Issues for Congress*, by Caitlin Keating-Bitonti.

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