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IN FOCUS

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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 regulation of mineral-related activities on the U.S. outer continental shelf 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. There are 31 active ISA 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 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]* 35631). 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 or that a license or permit will be issued. As of the date of this publication, NOAA has determined that six exploration applications and one consolidated application are fully compliant with DSHMRA (90 *FR* 60064, 91 *FR* 13822, 91 *FR* 32957, 91 *FR* 53608, 91 *FR* 64880). The following five 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. NOAA certified TMC USA's USA-B exploration license application in May 2026, and announced in August 2026 its intent to prepare an environmental impact statement for the application. 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.
- **Eco Minerals** has submitted one exploration license application for nine areas in the Pacific Ocean. Eight areas are in the CCZ, and the ninth is in an ABNJ located between Guam and the Wake Islands.

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 proposed codifying EO 14285 (H.R. 3803 in the 119th Congress) or mandating that certain federal entities act on aspects of the EO (e.g., H.R. 4018, S. 2860 in the 119th Congress). "Securing reliable supplies of critical minerals independent of foreign adversary control" is an economic and national security concern, according to the EO and these Members of Congress. Other 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 some 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 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 might reduce the potential for geopolitical disagreements, at the cost of replacing some U.S. government decisionmaking with that of an international body. U.S. accession to UNCLOS has been an ongoing issue for Congress (e.g., S.Res. 331 in the 119th Congress). Some scholars argue the United States already has the authority to mine ABNJ under DSHMRA.

Other Members have proposed prohibiting NOAA from authorizing seabed mining activities in ABNJ or instructing the President to call for an international seabed mining moratorium due to the potential impacts to the marine environment (H.R. 664 and H.R. 663 in the 119th Congress).

For further discussion of seabed mining in ABNJ, see CRS Report R47324, *Seabed Mining in Areas Beyond National Jurisdiction: Issues for Congress*.

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