118TH CONGRESS
1ST SESSION

H. R. ____

To prohibit certain mining activities on the deep seabed and Outer Continental Shelf, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Case introduced the following bill; which was referred to the Committee on __________________________

A BILL

To prohibit certain mining activities on the deep seabed and Outer Continental Shelf, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Seabed Protection Act”.

SEC. 2. PROHIBITION OF CERTAIN MINING ACTIVITIES ON
DEEP SEABED AND OUTER CONTINENTAL SHELF.

(a) FINDINGS.—Congress finds the following:
(1) As determined by the United Nations, most recently in its Sustainable Development Goals report, our world’s oceans are at great risk from a number of factors, including atmospheric change, resource extraction, and pollution.

(2) The United Nation’s 2030 Agenda for Sustainable Development, launched by the 2015 UN Summit in New York, established Sustainable Development Goal 14 (SDG 14) to conserve and sustainably use the oceans, seas, and marine resources. Target 2 of SDG 14 commits States to sustainably manage marine ecosystems to avoid significant adverse impacts and strengthen their resilience.

(3) The international marine scientific and policy consensus is that deep seabed mining presents a major risk to the marine environment, including—

(A) the direct loss of unique and ecologically important species;

(B) large sediment plumes that will negatively affect ecosystems well beyond the actual mining sites;

(C) noise pollution that will cause physiological and behavioral stress to marine species;
(D) likely contamination of commercially important species of food fish; and

(E) likely negative impacts on carbon sequestration dynamics and deep-ocean carbon storage.

(4) The United Nations Convention on Biological Diversity, 15th Conference of Parties, Decision 15/24 encourages member States to ensure that, before deep seabed mineral exploitation is permitted, the related impacts on the marine environment and biodiversity are sufficiently researched, the risks to the marine ecosystem are sufficiently understood, and sufficient regulation and conditions are imposed to ensure that exploitation does not cause harmful effects to the marine environment and biodiversity.

(5) The 2022 United Nations Environment Programme Financial Initiative report on deep seabed mining states that the financing of such activities is not consistent with Sustainable Blue Economy Finance Principles.

(6) There is currently insufficient scientific information on the deep sea and related marine ecosystems to fully and accurately assess the risks and impacts of deep seabed mining activities.
(b) Prohibition of Certain Mining Activities on Deep Seabed and Outer Continental Shelf.—

(1) Deep seabed.—Notwithstanding any provision of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), no license, permit, or other authorization may be issued for exploration or commercial recovery.

(2) Outer continental shelf.—Notwithstanding any provision of the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.), no license, permit, or other authorization may be issued for exploration, development, or production of a hardrock mineral on the Outer Continental Shelf.

(3) Exception for scientific research.—Paragraphs (1) and (2) shall not apply to the issuance of a license, permit, or other authorization to carry out scientific research activities.

c) Assessment of Environmental Impacts of Mining Activities on Deep Seabed and Outer Continental Shelf.—

(1) In general.—Not later than 90 days after the date of the enactment of this section, the Secretary shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive study of the
environmental impacts of mining activities on the deep seabed and Outer Continental Shelf.

(2) Submission of Assessment.—The Secretary shall submit to the appropriate Congressional committees a report regarding the findings of the study described in paragraph (1).

(3) Contents.—The study described in paragraph (1) shall include the following:

(A) A characterization of ecosystems—

(i) on the deep seabed and Outer Continental Shelf;

(ii) in the overlying water columns of the deep seabed and Outer Continental Shelf; and

(iii) on deep abyssal plains, seamounts and hydrothermal vents.

(B) An assessment of the potential impacts associated with mining activities on the deep seabed and Outer Continental Shelf on—

(i) habitats and species on the deep seabed and Outer Continental Shelf and in the overlying water columns of the deep seabed and Outer Continental Shelf, including—
(I) an approximate quantification of the spatial extent and timescale of such impacts; and

(II) the potential for the recovery of such habitats and species from such impacts;

(ii) the capacity of deep sea and open ocean processes and ecosystems to sequester greenhouse gases;

(iii) users of the marine environment, including—

(I) commercial and recreational fisheries;

(II) recreational users;

(III) aquaculture operations; and

(IV) developers of subsea infrastructure; and

(iv) indigenous peoples and cultures linked to marine species and the marine environment.

(C) An assessment of the potential impacts of sediment plumes from disturbance of the deep seabed and Outer Continental Shelf and collector vessel discharge on pelagic species and food webs.
(D) An approximate quantification of the greenhouse gas emissions associated with mining activities on the deep seabed and Outer Continental Shelf, including such emissions that may result from the alteration of the biology, geology, or chemistry of the sediment on or the overlying water column of the deep seabed and Outer Continental Shelf.

(E) An assessment of the viability of alternatives to the use of minerals found on the deep seabed and Outer Continental Shelf, including—

(i) developing a greater capacity for and promoting the reuse and recycling of such minerals in circulation;

(ii) developing and promoting the use of substitute minerals and materials that have fewer or less severe environmental impacts associated with such use; and

(iii) developing methods to reduce the environmental impacts of terrestrial mining practices and other similar initiatives.

(d) DEFINITIONS.—In this section:
(1) Appropriate Congressional Committees.—The term “appropriate Congressional committees” means—

(A) with respect to the House of Representatives—

(i) the Committee on Foreign Affairs;

and

(ii) the Committee on Natural Resources; and

(B) with respect to the Senate—

(i) the Committee on Commerce, Science, and Transportation;

(ii) the Committee on Energy and Natural Resources; and

(iii) the Committee on Foreign Relations.

(2) Commercial Recovery.—The term “commercial recovery” has the meaning given the term in section 4 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1403).

(3) Deep Seabed.—The term “deep seabed” has the meaning given the term in section 4 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1403).
(4) DEVELOPMENT.—The term “development” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) EXPLORATION.—The term “exploration”—
(A) when used with respect to the deep seabed, has the meaning given the term in section 4 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1403); and
(B) when used with respect to the Outer Continental Shelf, has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(6) OUTER CONTINENTAL SHELF.—The term “Outer Continental Shelf” has the meaning given the term “outer Continental Shelf” in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(7) PRODUCTION.—The term “production” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(8) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.