

118TH CONGRESS
1ST SESSION

H. R. 4537

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

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. CASE (for himself, Mr. GRIJALVA, Mr. HUFFMAN, Ms. BONAMICI, Ms. LEE of California, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Seabed Pro-
5 tection Act”.

6 **SEC. 2. PROHIBITION OF CERTAIN MINING ACTIVITIES ON**
7 **DEEP SEABED AND OUTER CONTINENTAL**
8 **SHELF.**

9 (a) FINDINGS.—Congress finds the following:

1 (1) As determined by the United Nations, most
2 recently in its Sustainable Development Goals re-
3 port, our world’s oceans are at great risk from a
4 number of factors, including atmospheric change, re-
5 source extraction, and pollution.

6 (2) The United Nation’s 2030 Agenda for Sus-
7 tainable Development, launched by the 2015 UN
8 Summit in New York established Sustainable Devel-
9 opment Goal 14 (SDS 14), to conserve and
10 sustainably use the oceans, seas, and marine re-
11 sources. Target 2 of SDS 14 commits States to
12 sustainably manage marine ecosystems to avoid sig-
13 nificant adverse impacts and strengthen their resil-
14 ience.

15 (3) The international marine scientific and pol-
16 icy consensus is that deep seabed mining presents a
17 major risk to the marine environment, including—

18 (A) the direct loss of unique and eco-
19 logically important species;

20 (B) large sediment plumes that will nega-
21 tively affect ecosystems well beyond the actual
22 mining sites;

23 (C) noise pollution that will cause physio-
24 logical and behavioral stress to marine species;

1 (D) likely contamination of commercially
2 important species of food fish; and

3 (E) likely negative impacts on carbon se-
4 questration dynamics and deep-ocean carbon
5 storage.

6 (4) The United Nations Convention on Biologi-
7 cal Diversity, 15th Conference of Parties, Decision
8 15/24 encourages member States to ensure that, be-
9 fore deep seabed mineral exploitation is permitted,
10 the related impacts on the marine environment and
11 biodiversity are sufficiently researched, the risks to
12 the marine ecosystem are sufficiently understood,
13 and sufficient regulation and conditions are imposed
14 to ensure that exploitation does not cause harmful
15 effects to the marine environment and biodiversity.

16 (5) The 2022 United Nations Environment
17 Programme Financial Initiative report on deep sea-
18 bed mining states that the financing of such activi-
19 ties is not consistent with Sustainable Blue Economy
20 Finance Principles.

21 (6) There is currently insufficient scientific in-
22 formation on the deep sea and related marine eco-
23 systems to fully and accurately assess the risks and
24 impacts of deep seabed mining activities.

1 (b) PROHIBITION OF CERTAIN MINING ACTIVITIES
2 ON DEEP SEABED AND OUTER CONTINENTAL SHELF.—

3 (1) DEEP SEABED.—Notwithstanding any pro-
4 vision of the Deep Seabed Hard Mineral Resources
5 Act (30 U.S.C. 1401 et seq.), no license, permit, or
6 other authorization may be issued for exploration or
7 commercial recovery.

8 (2) OUTER CONTINENTAL SHELF.—Notwith-
9 standing any provision of the Outer Continental
10 Shelf Lands Act (43 U.S.C. 1301 et seq.), no li-
11 cense, permit, or other authorization may be issued
12 for exploration, development, or production of a
13 hardrock mineral on the Outer Continental Shelf.

14 (3) EXCEPTION FOR SCIENTIFIC RESEARCH.—
15 Paragraphs (1) and (2) shall not apply to the
16 issuance of a license, permit, or other authorization
17 to carry out scientific research activities.

18 (c) ASSESSMENT OF ENVIRONMENTAL IMPACTS OF
19 MINING ACTIVITIES ON DEEP SEABED AND OUTER CON-
20 TINENTAL SHELF.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this section, the Sec-
23 retary shall seek to enter into an agreement with the
24 National Academies of Science, Engineering, and
25 Medicine to conduct a comprehensive study of the

1 environmental impacts of mining activities on the
2 deep seabed and Outer Continental Shelf.

3 (2) SUBMISSION OF ASSESSMENT.—The Sec-
4 retary shall submit to the appropriate Congressional
5 committees a report regarding the findings of the
6 study described in paragraph (1).

7 (3) CONTENTS.—The study described in para-
8 graph (1) shall include the following:

9 (A) A characterization of ecosystems—

10 (i) on the deep seabed and Outer Con-
11 tinental Shelf;

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

15 (iii) on seamounts and hydrothermal
16 vents.

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

20 (i) habitats and species on the deep
21 seabed and Outer Continental Shelf and in
22 the overlying water columns of the deep
23 seabed and Outer Continental Shelf, in-
24 cluding—

1 (I) an approximate quantification
2 of the spatial extent and timescale of
3 such impacts; and

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

7 (ii) the capacity of deep sea and open
8 ocean processes and ecosystems to seques-
9 ter greenhouse gases;

10 (iii) users of the marine environment,
11 including—

12 (I) commercial and recreational
13 fisheries;

14 (II) recreational users;

15 (III) aquaculture operations; and

16 (IV) developers of subsea infra-
17 structure; and

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

21 (C) An assessment of the potential impacts
22 of sediment plumes from disturbance of the
23 deep seabed and Outer Continental Shelf and
24 collector vessel discharge on pelagic species and
25 food webs.

1 (D) An approximate quantification of the
2 greenhouse gas emissions associated with min-
3 ing activities on the deep seabed and Outer
4 Continental Shelf, including such emissions that
5 may result from the alteration of the biology,
6 geology, or chemistry of the sediment on or the
7 overlying water column of the deep seabed and
8 Outer Continental Shelf.

9 (E) An assessment of the viability of alter-
10 natives to the use of minerals found on the deep
11 seabed and Outer Continental Shelf, includ-
12 ing—

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

16 (ii) developing and promoting the use
17 of substitute minerals and materials that
18 have fewer or less severe environmental im-
19 pacts associated with such use; and

20 (iii) developing methods to reduce the
21 environmental impacts of terrestrial min-
22 ing practices and other similar initiatives.

23 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate Congressional com-
3 mittees” means—

4 (A) with respect to the House of Rep-
5 resentatives—

6 (i) the Committee on Foreign Affairs;

7 and

8 (ii) the Committee on Natural Re-
9 sources; and

10 (B) with respect to the Senate—

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

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

15 (iii) the Committee on Foreign Rela-
16 tions.

17 (2) COMMERCIAL RECOVERY.—The term “com-
18 mercial recovery” has the meaning given the term in
19 section 4 of the Deep Seabed Hard Mineral Re-
20 sources Act (30 U.S.C. 1403).

21 (3) DEEP SEABED.—The term “deep seabed”
22 has the meaning given the term in section 4 of the
23 Deep Seabed Hard Mineral Resources Act (30
24 U.S.C. 1403).

1 (4) DEVELOPMENT.—The term “development”
2 has the meaning given the term in section 2 of the
3 Outer Continental Shelf Lands Act (43 U.S.C.
4 1331).

5 (5) EXPLORATION.—The term “exploration”—

6 (A) when used with respect to the deep
7 seabed, has the meaning given the term in sec-
8 tion 4 of the Deep Seabed Hard Mineral Re-
9 sources Act (30 U.S.C. 1403); and

10 (B) when used with respect to the Outer
11 Continental Shelf, has the meaning given the
12 term in section 2 of the Outer Continental Shelf
13 Lands Act (43 U.S.C. 1331).

14 (6) OUTER CONTINENTAL SHELF.—The term
15 “Outer Continental Shelf” has the meaning given
16 the term “outer Continental Shelf” in section 2 of
17 the Outer Continental Shelf Lands Act (43 U.S.C.
18 1331).

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

22 (8) SECRETARY.—The term “Secretary” means
23 the Secretary of Commerce, acting through the Ad-

1 administrator of the National Oceanic and Atmos-
2 pheric Administration.

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