

Congress of the United States

Washington, DC 20515

December 7, 2023

The Honorable Lloyd Austin
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Secretary Austin:

We write today to urge you to develop a plan to address the national security ramifications of the Chinese Communist Party's (CCP) interest and investment in seabed mining. China dominates 85 to 95 percent of the global supply chains for the vast majority of critical mineral resources—including nickel, cobalt, lithium, manganese, zinc, and other rare earths.¹ Additionally, the CCP maintains the vast majority of the world's processing capacity that turns these materials into finished products that are crucial to U.S. weapons systems.² Beijing's control of this market is built on environmental and human rights violations—including attacks against grassroots leaders, water pollution, ecosystem destruction, and unsafe working conditions—not only in China but in the countries from which China sources raw materials.³ We cannot afford to allow China to capture and exploit seabed resources, which the CCP has characterized as “a new frontier for international competition.”⁴ We must explore every avenue to strengthen our rare earth and critical minerals supply chains.

In November, Beijing announced that it will tighten export controls on rare earths, with China's commerce department adding rare earths—including compounds and alloys—to a list it maintains of mineral resources and other items that require disclosure of information such as material type and export destination.⁵ This action is just the latest in a series of efforts from the CCP to further dominate crucial supply chains this year. In January, China's Ministry of Industry and Information Technology (MIIT) issued the Draft Rare Earth Management Provisions, introducing new rules for the export of rare earth minerals, enhancing restrictions on exports, and increasing penalties for restriction violations.⁶ This summer, Beijing announced further export restrictions on gallium and germanium products—metals used in chips, satellite communications, spacecraft power generation, and radar systems—to advance their national security priorities. With 60 percent of the world's germanium and 80 percent of the world's gallium produced in China, this is no idle threat to U.S. interests.⁷

Under previous U.S. national strategies to address critical mineral supply chain risks dating back to 2019, the Department of Defense (DOD) is charged with efforts to, “stabilize and strengthen the National Defense Stockpile (NDS) Program's ability to respond rapidly to urgent and unanticipated

1 [fs2014-3078.pdf \(usgs.gov\)](#)

2 [Federal Register :: A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals](#)

3 [Unpacking clean energy: Human rights impacts of Chinese overseas investment in transition minerals - Business & Human Rights Resource Centre \(business-humanrights.org\)](#)

4 <https://www.reuters.com/graphics/MINING-DEEPSEA/CLIMATE/zjpqezqzlp/>

5 [China tightens rare-earth export curbs amid tension with U.S. - Nikkei Asia](#)

6 [Rare Earths and Geopolitics: An Increasingly Messy Mix – The Diplomat](#)

7 [Home | CRM Alliance](#)

military and essential civilian requirements during wartime and other national emergencies.”⁸ In keeping with the DOD’s mandate to continue improving the resilience of national defense supply chains, we write today to emphasize the importance of evaluating and planning for seabed mining as a new vector of competition with China for resource superiority and security.

The deep-sea bed contains small polymetallic nodules—rich in manganese, cobalt, copper, nickel, and rare earth elements—that are contained in deposits across international waters, often hundreds to thousands of miles from shore and occurring at water depths of 200 meters or greater. Deep-sea mining is regulated by the International Seabed Authority (ISA), an institution where the United States only holds observer status. ISA has already granted five of the 31 total deep-sea valuable metal exploration licenses to China, covering 17 percent of the of the total area currently licensed by ISA.⁹ Russia also holds two ISA exploration contracts.¹⁰ China is putting pressure on ISA to accelerate its decision-making process to adopt regulations by 2025 or sooner—a demand that comes on the heels of ISA missing a deadline to establish a regulatory framework earlier this year—at which point mining can begin.¹¹

We cannot afford to cede another critical mineral resource to China. The United States, and specifically, the Department of Defense, should be engaging with allies, partners, and industry to ensure that China does not seize unfettered control of deep-sea assets. To this end, we respectfully request that you provide a response to the following questions regarding the national security impacts of deep-sea mining by December 18, 2023:

- To what degree, if any, does the NDS Program factor deep-sea polymetallic nodules in its assessment of the availability of rare materials used in the manufacture of products that include munitions, batteries, laser equipment, and satellite components? If these resources are not currently factored into relevant NDS Program assessments, why is that the case?
- Does the NDS Manager assess that US access to deep-sea polymetallic nodules and domestic processing for those nodules would accelerate the elimination of NDS dependence on critical minerals supplied by non-allied countries by 2027?
- To what degree has the Department of Defense reviewed using Defense Production Act Title III authorities—including loans and loan guarantees, purchase commitments, and grants and subsidies—to increase domestic processing capacity for deep-sea polymetallic nodules no later than 2025?
- What effort, if any, is the Department of Defense undertaking to coordinate action with the Department of Commerce and Department of State regarding the outcome of the ISA’s regulation development?

⁸ [Critical Minerals Strategy Final.pdf \(commerce.gov\)](#)

⁹ [China set to dominate deep-sea mining and grab treasure of rare metals - Washington Post; Exploration Contracts - International Seabed Authority \(isa.org.jm\)](#)

¹⁰ [Seabed Mining in Areas Beyond National Jurisdiction: Issues for Congress](#)

¹¹ [Why Deep-Sea Mining Is the Next Battleground in the Energy Transition - The New York Times \(nytimes.com\)](#)

We look forward to your response and stand ready to work with you to advance the security of our critical national defense supply chains.

Sincerely,



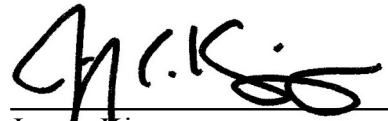
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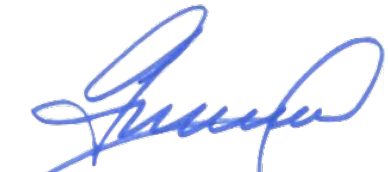
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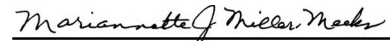
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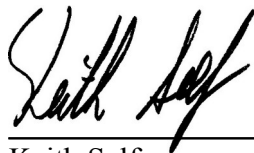
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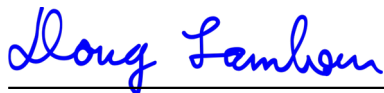
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