

118TH CONGRESS
1ST SESSION

H. R. 1189

To require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. MAST (for himself and Mr. KIM of New Jersey) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, 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 “Undersea Cable Con-
5 trol Act”.

1 **SEC. 2. STRATEGY TO ELIMINATE THE AVAILABILITY TO**
2 **FOREIGN ADVERSARIES OF GOODS AND**
3 **TECHNOLOGIES CAPABLE OF SUPPORTING**
4 **UNDERSEA CABLES.**

5 (a) IN GENERAL.—The President, acting through the
6 Secretary of State and in consultation with the Secretary
7 of Commerce, shall develop a strategy to eliminate the
8 availability to foreign adversaries of goods and tech-
9 nologies capable of supporting undersea cables consistent
10 with United States policy described in section 1752 of the
11 Export Control Reform Act of 2018 (50 U.S.C. 4811).

12 (b) MATTERS TO BE INCLUDED.—The strategy re-
13 quired under subsection (a) shall include the following:

14 (1) An identification of goods and technologies
15 capable of supporting the construction, maintenance,
16 or operation of an undersea cable project.

17 (2) An identification of United States and mul-
18 tilateral export controls and licensing policies for
19 goods and technologies identified pursuant to para-
20 graph (1) with respect to foreign adversaries.

21 (3) An identification of United States allies and
22 partners that have a share of the global market with
23 respect to the goods and technologies so identified,
24 including a detailed description of the availability of
25 such goods and technologies without restriction in

1 sufficient quantities and comparable in quality to
2 those produced in the United States.

3 (4) A description of ongoing negotiations with
4 other countries to achieve unified export controls
5 and licensing policies for goods and technologies so
6 identified to eliminate availability to foreign adver-
7 saries.

8 (5) An identification of all entities under the
9 control, ownership, or influence of a foreign adver-
10 sary that support the construction, operation, or
11 maintenance of undersea cables.

12 (6) A description of efforts taken to promote
13 United States leadership at international standards-
14 setting bodies for equipment, systems, software, and
15 virtually defined networks relevant to undersea ca-
16 bles, taking into account the different processes fol-
17 lowed by such bodies.

18 (7) A description of the presence and activities
19 of foreign adversaries at international standards-set-
20 ting bodies relevant to undersea cables, including in-
21 formation on the differences in the scope and scale
22 of the engagement of foreign adversaries at such
23 bodies compared to engagement at such bodies by
24 the United States and its allies and partners, and

1 the security risks raised by the proposals of foreign
2 adversaries at such bodies.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act and annually
6 thereafter for 3 years, the President shall submit to
7 the appropriate congressional committees a report
8 that contains the strategy required under subsection
9 (a).

10 (2) FORM.—Each report required under this
11 subsection shall—

12 (A) be submitted in unclassified form, but
13 may contain a classified annex; and

14 (B) be made available on a publicly acces-
15 sible Federal Government website.

16 (d) AGREEMENT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this Act, the President
19 shall seek to—

20 (A) establish bilateral or plurilateral agree-
21 ments with allies and partners identified pursu-
22 ant to subsection (b)(3) to seek to eliminate the
23 availability to foreign adversaries of goods and
24 technologies identified pursuant to subsection
25 (b)(1); and

1 (B) include in such agreements penalty
2 provisions for non-compliance.

3 (2) BRIEFINGS.—The President shall brief the
4 congressional committees specified in subsection
5 (c)(1) on negotiations to establish agreements de-
6 scribed in paragraph (1) beginning not later than 30
7 days after the date of the enactment of this Act and
8 every 180 days thereafter until each such agreement
9 is established.

10 (e) ACTIONS.—

11 (1) IN GENERAL.—The Secretary of Commerce
12 shall evaluate the export, reexport, and in-country
13 transfer of the technologies identified pursuant to
14 subsection (b)(1) for appropriate controls under the
15 Export Administration Regulations, including by
16 evaluating, for each technology so identified, whether
17 to add the technology to the Commerce Control List
18 maintained under title 15, Code of Federal Regula-
19 tions.

20 (2) LEVELS OF CONTROL.—

21 (A) IN GENERAL.—In determining the
22 level of control appropriate for technologies
23 identified pursuant to subsection (b)(1), includ-
24 ing requirements for a license or other author-
25 ization for the export, reexport, or in-country

1 transfer of any such technology, the Secretary
2 of Commerce (in coordination with the Sec-
3 retary of Defense, the Secretary of State, and
4 the heads of other Federal agencies, as appro-
5 priate) shall take into account the potential end
6 uses and end users of the technology.

7 (B) STATEMENT OF POLICY.—At a min-
8 imum, it is the policy of the United States to
9 work with its allies and partners to control the
10 export, reexport, or in-country transfer of tech-
11 nologies identified pursuant to subsection (b)(1)
12 to or in a country subject to an embargo, in-
13 cluding an arms embargo, imposed by the
14 United States.

15 (3) NOTIFICATION.—Not later than 1 year
16 after the date of enactment of this Act, and annually
17 thereafter for 3 years, the President, acting through
18 the Secretary of Commerce, shall submit to the ap-
19 propriate congressional committees an unclassified
20 notification describing the results of actions taken
21 pursuant to this subsection in the preceding period,
22 including a description of—

23 (A) the individual items evaluated for con-
24 trols;

1 (B) the rationale, including foreign avail-
2 ability and economic impact assessments, for
3 adding or not adding an item to the Commerce
4 Control List maintained under title 15, Code of
5 Federal Regulations, pursuant to the evaluation
6 under paragraph (1) with respect to such item;
7 and

8 (C) reviews by the End-User Review Com-
9 mittee specified in Supplement No. 9 to part
10 748 of title 15, Code of Federal Regulations,
11 with respect to the use of items identified pur-
12 suant to subsection (b)(1) by entities under the
13 influence, control, or ownership of a foreign ad-
14 versary.

15 (f) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs of
20 the House of Representatives; and

21 (B) the Committee on Foreign Relations
22 and the Committee on Banking, Housing, and
23 Urban Affairs of the Senate.

24 (2) FOREIGN ADVERSARY.—The term “foreign
25 adversary”—

1 (A) has the meaning given such term in
2 section 8(c) of the Secure and Trusted Commu-
3 nications Networks Act of 2019 (47 U.S.C.
4 1607(c)); and

5 (B) includes the People’s Republic of
6 China.

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