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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. ____

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

Mr. MAST introduced the following bill; which was referred to the Committee on _____

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.

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 “Undersea Cable Control Act”.

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

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

(b) MATTERS TO BE INCLUDED.—The strategy required under subsection (a) shall include the following:

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

(2) An identification of United States and multilateral export controls and licensing policies for goods and technologies identified pursuant to paragraph (1) with respect to foreign adversaries.

(3) An identification of United States allies and partners that have a share of the global market with respect to the goods and technologies so identified, including a detailed description of the availability of such goods and technologies without restriction in sufficient quantities and comparable in quality to those produced in the United States.

(4) A description of ongoing negotiations with other countries to achieve unified export controls and licensing policies for goods and technologies so identified to eliminate availability to foreign adversaries.

(5) An identification of all entities under the control, ownership, or influence of a foreign adversary that support the construction, operation, or maintenance of undersea cables.

(6) A description of efforts taken to promote United States leadership at international standards-setting bodies for equipment, systems, software, and virtually defined networks relevant to undersea cables, taking into account the different processes followed by such bodies

(7) A description of the presence and activities of foreign adversaries at international standards-setting bodies relevant to undersea cables, including information on the differences in the scope

and scale of the engagement of foreign adversaries at such bodies compared to engagement at such bodies by the United States and its allies and partners, and the security risks raised by the proposals of foreign adversaries at such bodies.

(c) REPORT.—

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

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

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

(B) be made available on a publicly-accessible Federal Government website.

(d) AGREEMENT.—

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

(A) establish bilateral or plurilateral agreements with allies and partners identified pursuant to subsection (b)(3) to seek to eliminate the availability to foreign adversaries of goods and technologies identified pursuant to subsection (b)(1); and

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

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

(e) ACTIONS.—

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

(2) LEVELS OF CONTROL.—

(A) IN GENERAL.—In determining the level of control appropriate for technologies identified pursuant to subsection (b)(1), including requirements for a license or other authorization for the export, reexport, or in-country transfer of any such technology, the Secretary of Commerce (in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate) shall take into account the potential end uses and end users of the technology.

(B) STATEMENT OF POLICY.—At a minimum, it is the policy of the United States to work with its allies and partners to control the export, reexport, or in-country transfer of technologies identified pursuant to subsection (b)(1) to or in a country subject to an embargo, including an arms embargo, imposed by the United States.

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

(A) the individual items evaluated for controls;

(B) the rationale, including foreign availability and economic impact assessments, for adding or not adding an item to the Commerce Control List maintained under title 15, Code of Federal Regulations, pursuant to the evaluation under paragraph (1) with respect to such item; and

(C) reviews by the End-User Review Committee specified in Supplement No. 9 to part 748 of title 15, Code of Federal Regulations, with respect to the use of items identified pursuant to subsection (b)(1) by entities under the influence, control, or ownership of a foreign adversary.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

(A) has the meaning given such term in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)); and

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