

118TH CONGRESS
1ST SESSION

H. R. 1189

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Undersea Cable Con-
3 trol Act”.

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

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

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

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

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

24 (3) An identification of United States allies and
25 partners that have a share of the global market with
26 respect to the goods and technologies so identified,

1 including a detailed description of the availability of
2 such goods and technologies without restriction in
3 sufficient quantities and comparable in quality to
4 those produced in the United States.

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

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

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

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

1 the United States and its allies and partners, and
2 the security risks raised by the proposals of foreign
3 adversaries at such bodies.

4 (c) REPORT.—

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

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

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

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

17 (d) AGREEMENT.—

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

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

1 technologies identified pursuant to subsection
2 (b)(1); and

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

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

12 (e) ACTIONS.—

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

22 (2) LEVELS OF CONTROL.—

23 (A) IN GENERAL.—In determining the
24 level of control appropriate for technologies
25 identified pursuant to subsection (b)(1), includ-

1 ing requirements for a license or other author-
2 ization for the export, reexport, or in-country
3 transfer of any such technology, the Secretary
4 of Commerce (in coordination with the Sec-
5 retary of Defense, the Secretary of State, and
6 the heads of other Federal agencies, as appro-
7 priate) shall take into account the potential end
8 uses and end users of the technology.

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

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

1 (A) the individual items evaluated for con-
2 trols;

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

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

17 (f) DEFINITIONS.—In this section:

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

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

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

1 (2) FOREIGN ADVERSARY.—The term “foreign
2 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

7 (B) includes the People's Republic of
8 China.

Passed the House of Representatives March 27, 2023.

Attest: **CHERYL L. JOHNSON,**
Clerk.