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H. R. 9766

To establish an interagency working group to ensure the security, resiliency, and integrity of undersea cables, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2024

Mr. PFLUGER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an interagency working group to ensure the security, resiliency, and integrity of 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 Secu-
5 rity and Protection Act”.

1 **SEC. 2. INTERAGENCY WORKING GROUP AND REPORT ON**
2 **ENSURING THE SECURITY, RESILIENCY, AND**
3 **INTEGRITY OF UNDERSEA CABLES.**

4 (a) INTERAGENCY WORKING GROUP.—

5 (1) PREPARATION OF REPORT.—Not later than
6 60 days after the date of the enactment of this Act,
7 the Secretary of Homeland Security, in consultation
8 with the Chairperson of the Federal Communica-
9 tions Commission, shall convene an interagency
10 working group (in this section referred to as the
11 “working group”) to prepare the report under sub-
12 section (b) and provide the briefing under subsection
13 (c).

14 (2) CHAIRPERSON.—The Secretary of Home-
15 land Security shall serve as the chairperson of the
16 working group.

17 (3) MEMBERSHIP.—The working group shall be
18 composed of participants with relevant background
19 or expertise, as determined by the Security of Home-
20 land Security, with the approval of the head of the
21 relevant Federal department, agency, or component,
22 as appropriate, from each of the following:

23 (A) The Department of Homeland Secu-
24 rity.

25 (B) The Cybersecurity and Infrastructure
26 Security Agency of the Department.

1 (C) The United States Coast Guard.

2 (D) The Department of Justice.

3 (E) The Department of Defense.

4 (F) The Federal Communications Commis-
5 sion.

6 (G) The Department of Commerce.

7 (H) Any other component of the United
8 States Government, regardless of whether such
9 component is an element of the intelligence
10 community, that the Secretary, in consultation
11 with the head of such component, determines
12 would materially assist in the activities of the
13 interagency working group.

14 (b) REPORT.—

15 (1) REQUIREMENT.—Not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary of Homeland Security, in consultation with
18 the Chairperson of the Federal Communications
19 Commission, shall submit to the appropriate con-
20 gressional committees a report—

21 (A) assessing the challenges of protecting
22 commercial undersea telecommunications cables
23 landing in the United States (in this section re-
24 ferred to as “undersea cables”) and cable land-
25 ing stations in the United States from security

1 threats posed by the People's Republic of
2 China, the Russian Federation, the Islamic Re-
3 public of Iran, and any foreign entity of con-
4 cern; and

5 (B) examining the roles and responsibil-
6 ities of the United States Government and the
7 private sector to ensure the security, resiliency,
8 and integrity of such undersea cables and cable
9 landing stations.

10 (2) MATTERS TO BE INCLUDED.—The report
11 under paragraph (1) shall include a description of
12 each of the following:

13 (A) Past, ongoing, or planned efforts by
14 the Department of Homeland Security, pursu-
15 ant to its role and responsibilities as the Sector
16 Risk Management Agency for the communica-
17 tions sector in accordance with National Secu-
18 rity Memorandum–22, issued April 30, 2024
19 (relating to critical infrastructure security and
20 resilience), and the Federal Communications
21 Commission, to protect undersea cables and
22 cable landing stations in the United States from
23 acts of espionage, cybersecurity threats, and
24 from physical damage or disruption, including
25 the cutting of such cables, and efforts to pro-

1 tect cable landing stations in the United States
2 from vandalism, sabotage, and related terrorism
3 threats.

4 (B) The capabilities of the People's Repub-
5 lic of China, the Russian Federation, the Is-
6 lamic Republic of Iran, and any foreign entity
7 of concern to target and compromise undersea
8 cables, or to intercept data transmissions or
9 sensitive information originating from such ca-
10 bles.

11 (C) The potential for espionage or mali-
12 cious cyber activity by repair vessels that are
13 owned, controlled, or operated by state-owned
14 entities of the People's Republic of China and
15 involved in the construction, maintenance, or
16 repair of undersea cables.

17 (D) The risks, including an associated as-
18 sessment, posed to undersea cables by natural
19 causes, the lack of geographic undersea diver-
20 sity of cable landing stations in the United
21 States, and accidental damage, and the extent
22 to which United States cable operators and tele-
23 communications companies rely on repair ves-
24 sels that are owned, controlled, or operated by

1 state-owned entities of the People's Republic of
2 China.

3 (E) Past, ongoing, or planned actions of
4 the Department and the Commission to conduct
5 outreach to allies and partners of the United
6 States relating to countering the security
7 threats posed to commercial undersea tele-
8 communications cables of such allies and part-
9 ners by the People's Republic of China, the
10 Russian Federation, the Islamic Republic of
11 Iran, and any foreign entity of concern.

12 (F) Current mechanisms in place within
13 the Department, the Commission, and the pri-
14 vate sector to detect, prevent, suppress, inves-
15 tigate, mitigate, and respond to any acts or
16 threats referred to in subparagraph (A) affect-
17 ing undersea cables or at cable landing stations
18 in the United States.

19 (G) The resources required for the Depart-
20 ment and Commission to initiate new, or ex-
21 pand existing, operations to protect undersea
22 cables from acts of espionage, cybersecurity
23 threats, or physical damage or disruption, in-
24 cluding the cutting of undersea cables, and to
25 protect cable landing stations in the United

1 States from vandalism, sabotage, or related ter-
2 rorism threats.

3 (H) Recommendations for expanding oper-
4 ations by the Department and the Commission
5 to protect undersea cables from acts of espio-
6 nage, cybersecurity threats, or physical damage
7 or disruption, including the cutting of undersea
8 cables, and to protect cable landing stations in
9 the United States from vandalism, sabotage, or
10 related terrorism threats, including an assess-
11 ment of the feasibility of the following:

12 (i) Establishing an interagency and
13 public-private coordination and incident
14 and threat reporting mechanism to ensure
15 the security, resiliency, and integrity of un-
16 dersea cables and the protection of cable
17 landing stations in the United States.

18 (ii) Training a dedicated intelligence
19 officer or analyst cadre of the Department
20 composed of undersea cable experts to en-
21 sure the security, resiliency, and integrity
22 of undersea cables and the protection of
23 cable landing stations in the United States.

24 (I) Recommendations for the Department,
25 the Commission, private sector partners, and

1 Federal, State, local, Tribal, and territorial
2 partners to jointly develop and establish stand-
3 ards, guidelines, best practices, methodologies,
4 procedures, or processes to ensure the security,
5 resiliency, and integrity of undersea cables and
6 the protection of cable landing stations in the
7 United States.

8 (J) The benefits and drawbacks, and asso-
9 ciated analysis, of designating the Department
10 of Homeland Security as the lead Federal enti-
11 ty responsible for ensuring the security, resil-
12 iency, and integrity of undersea cables and the
13 protection of cable landing stations in the
14 United States.

15 (3) FORM.—The report under paragraph (1)
16 shall be submitted in classified form, but may in-
17 clude an unclassified annex.

18 (c) BRIEFING.—Not later than 30 days after the sub-
19 mission of the report under paragraph (1), the working
20 group shall provide to the appropriate congressional com-
21 mittees a briefing on the findings and recommendations
22 contained in such report.

23 (d) DEFINITIONS.—In this section:

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

4 (A) the Committee on Homeland Security
5 and the Committee on Energy and Commerce
6 of the House of Representatives; and

7 (B) the Committee on Homeland Security
8 and Governmental Affairs and the Committee
9 on Commerce, Science, and Transportation of
10 the Senate.

11 (2) CYBERSECURITY THREAT.—The term “cy-
12 bersecurity threat” has the meaning given such term
13 in section 2200 of the Homeland Security Act of
14 2002 (6 U.S.C. 650).

15 (3) FOREIGN ENTITY OF CONCERN.—The term
16 “foreign entity of concern” has the meaning given
17 such term in section 9901 of the William M. (Mac)
18 Thornberry National Defense Authorization Act for
19 Fiscal Year 2021 (15 U.S.C. 4651).

20 (4) INTELLIGENCE COMMUNITY.—The term
21 “intelligence community” has the meaning given
22 such term in section 3(4) of the National Security
23 Act of 1947 (50 U.S.C. 3003(4)).

24 (5) MALICIOUS CYBER ACTIVITY.—The term
25 “malicious cyber activity” means activities, other

1 than those authorized by or in accordance with
2 United States law, that seek to compromise or im-
3 pair the confidentiality, integrity, or availability of
4 computers, information or communications systems,
5 networks, physical or virtual infrastructure con-
6 trolled by computers or information systems (as
7 such term is defined in section 2200 of the Home-
8 land Security Act of 2002 (6 U.S.C. 650)), or infor-
9 mation resident thereon.

10 (6) SECTOR RISK MANAGEMENT AGENCY.—The
11 term “Sector Risk Management Agency” has the
12 meaning given such term in section 2200 of the
13 Homeland Security Act of 2002 (6 U.S.C. 650).

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