

TO DIRECT THE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION TO SUBMIT TO CONGRESS A REPORT CONTAINING AN ASSESSMENT OF THE VALUE, COST, AND FEASIBILITY OF DEVELOPING A TRANS-ATLANTIC SUBMARINE FIBER OPTIC CABLE CONNECTING THE CONTIGUOUS UNITED STATES, THE UNITED STATES VIRGIN ISLANDS, GHANA, AND NIGERIA, AND FOR OTHER PURPOSES

OCTOBER 2, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

REPORT

[To accompany H.R. 3385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3385) to direct the Assistant Secretary of Commerce for Communications and Information to submit to Congress a report containing an assessment of the value, cost, and feasibility of developing a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ASSESSMENT OF TRANS-ATLANTIC SUBMARINE FIBER OPTIC CABLE.

(a) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the heads of other Federal departments and agencies as necessary, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria, to enhance the national security of the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of—

(1) the digital security, national security, and economic opportunities associated with a trans-Atlantic submarine fiber optic cable described in subsection (a);

(2) the lifespan of submarine fiber optic cables currently connecting the United States Virgin Islands to the contiguous United States;

(3) the current security of telecommunications between the contiguous United States and the United States Virgin Islands;

(4) the readiness of telecommunications infrastructure in the United States Virgin Islands to support a trans-Atlantic submarine fiber optic cable described in subsection (a);

(5) the potential for engagement with trusted entities in the deployment of a trans-Atlantic submarine fiber optic cable described in subsection (a), and the associated geopolitical and economic advantages;

(6) the potential connectivity opportunities to maximize investments in the United States economy through the use of a trans-Atlantic submarine fiber optic cable described in subsection (a);

(7) the value, cost, and feasibility of establishing a data center and high-security cloud services facility, with independent power generation, in the United States Virgin Islands for communications of the United States Africa Command, communications of the United States Special Operations Command, and national security communications;

(8) the state of submarine fiber optic cables connected to United States telecommunications infrastructure; and

(9) any other related matters the Secretary determines are appropriate.

(c) **NO MANDATORY DATA COLLECTION.**—The Secretary may not require any entity to provide data for purposes of preparing the report required by subsection (a).

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.

(e) **DEFINITIONS.**—In this section:

(1) **NOT TRUSTED.**—The term “not trusted” means, with respect to an entity, that the entity is determined by the Secretary to pose an unacceptable risk to the national security of the United States, or the security and safety of United States persons, based solely on one or more determination described under paragraphs (1) through (4) of section 2(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(c)).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information.

(3) **TRUSTED.**—The term “trusted” means, with respect to an entity, that the Secretary has not determined that the entity is not trusted.

Amend the title so as to read:

A bill to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria.

PURPOSE AND SUMMARY

The purpose of H.R. 3385 is to study the feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous

United States, the U.S. Virgin Islands, Ghana, and Nigeria, which could provide economic and national security benefits to the United States.

BACKGROUND AND NEED FOR LEGISLATION

Submarine cables carry more than 95 percent of international data. Submarine cables may be vulnerable to attack by bad actors, but may be a significant benefit to the United States, either economically, through trade and investment, or geopolitically, by countering our foreign adversaries abroad.

H.R. 3385 would ensure the private sector has information to evaluate whether this undersea cable is a good investment.

COMMITTEE ACTION

On May 23, 2023, the Subcommittee on Communications and Technology held a hearing on H.R. 3385, which was introduced on May 16, 2023, by Del. Plaskett (VI–At Large) and Rep. Fulcher (ID–01). The hearing title was “Oversight and Reauthorization of the National Telecommunications and Information Administration.” The Subcommittee received testimony from:

- Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

On July 12, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3385, as amended, to the full Committee by a voice vote. On July 27, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3385, as amended, favorably reported to the House by a record vote of 41 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 1**

BILL: H.R. 3385, A bill to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria.

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 3385 favorably reported to the House, as amended (Final Passage).

DISPOSITION: **AGREED TO**, by a roll call vote of 41 yeas to 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess				Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette	X		
Rep. Guthrie	X			Rep. Schakowsky			
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor			
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon	X			Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter				Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer	X			Rep. Dingell			
Rep. Dunn	X			Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly			
Rep. Pence	X			Rep. Barragán			
Rep. Crenshaw				Rep. Blunt Rochester			
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong	X			Rep. Craig	X		
Rep. Weber	X			Rep. Schrier			
Rep. Allen	X			Rep. Trahan			
Rep. Balderson	X			Rep. Fletcher	X		
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

07/27/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3385 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 3385, a bill to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria			
As ordered reported by the House Committee on Energy and Commerce on July 27, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	1	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3385 would require the Secretary of Commerce, within one year of enactment, to report to the Congress on the cost, benefits, and feasibility of a trans-Atlantic fiber optic cable connecting the United States, the Virgin Islands, Ghana, and Nigeria with respect to the national security of the United States.

Based on the cost of similar activities, CBO estimates that the report would cost \$1 million over the 2024–2028 period to collect data and write the report; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Margot Berman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide a report assessing the value, cost, and feasibility of developing a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the U.S. virgin islands, Ghana, and Nigeria.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3385 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 3385:

- On May 23, 2023, the Subcommittee on Communications and Technology held a hearing on H.R. 3385. The hearing title was “Oversight and Reauthorization of the National Telecommunications and Information Administration.” The Subcommittee received testimony from:
 - Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3385 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Assessment of trans-Atlantic submarine fiber optic cable

Section 1 would direct the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information, to submit to the Committee on Energy and Commerce a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the U.S. Virgin Islands, Ghana, and Nigeria, to enhance the national security of the United States.

While the Secretary may not require any entity to provide data for the purpose of preparing this report, entities are encouraged to share relevant information with the Secretary to ensure the report is of maximum use to the Committee. To that end, the report may include a classified annex to protect sensitive information.

The report shall include an assessment of several elements listed in section 1(b), including “any other related matters the Secretary determines are appropriate.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

