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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To provide for certain requirements with respect to the landing and operation
of submarine cables in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide for certain requirements with respect to the land-
ing and operation of submarine cables in the United
States, 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 “United States Sub-
5 marine Cable Security Policy Act of 2026”.

6 **SEC. 2. SUBMARINE CABLE SECURITY AND LICENSING.**

7 (a) ESTABLISHMENT OF SECURITY POLICIES AND
8 MEASURES.—

1 (1) UNITED STATES SUBMARINE CABLE SECUR-
2 RITY POLICY.—

3 (A) IN GENERAL.—Not later than 180
4 days after the date of the enactment of this
5 Act, the Committee shall, in consultation with
6 the Assistant Secretary of Commerce for Com-
7 munications and Information, and after seeking
8 and considering input from interested parties,
9 establish and submit to the Commission a gen-
10 eral, forward-looking policy, to be known as the
11 United States Submarine Cable Security Policy,
12 that identifies and seeks to address potential se-
13 curity concerns relating to—

14 (i) the provision of a license to land or
15 operate a submarine cable directly con-
16 necting the United States and a foreign
17 nation;

18 (ii) the provision of a license to land
19 or operate a submarine cable directly con-
20 necting the United States and a covered
21 nation (as defined in section 4872(f)(2) of
22 title 10, United States Code); and

23 (iii) arrangements regarding the con-
24 struction of submarine cables in consor-
25 tium, partnership, or cooperation with enti-

1 ties that produce or provide communica-
2 tions equipment or services on the list pub-
3 lished under section 2 of the Secure and
4 Trusted Communications Networks Act of
5 2019 (47 U.S.C. 1601).

6 (B) RECOMMENDED SECURITY MEAS-
7 URES.—The Committee, taking into consider-
8 ation the requirements described in paragraphs
9 (2) and (3), shall include in the United States
10 Submarine Cable Security Policy a rec-
11 ommended suite of standard security measures
12 and a recommended suite of enhanced security
13 measures with respect to the landing and oper-
14 ation of submarine cables. The Commission
15 shall consider such recommended measures in
16 promulgating the rules required by such para-
17 graphs.

18 (2) ADOPTION OF STANDARD SECURITY MEAS-
19 URES.—Not later than 180 days after the date on
20 which the United States Submarine Cable Security
21 Policy is submitted to the Commission, the Commis-
22 sion shall promulgate rules to adopt a suite of stand-
23 ard security measures with respect to the landing
24 and operation of submarine cables, with which the
25 Commission shall (except in circumstances described

1 in paragraph (3)) require compliance as a condition
2 of a license issued by the Commission to land or op-
3 erate such a cable, that—

4 (A) address physical security and supply
5 chain security;

6 (B) require, or incorporate appropriate ele-
7 ments of the rules of the Commission with re-
8 spect to, the implementation of a cybersecurity
9 and physical security risk management plan by
10 a person who holds such a license; and

11 (C) address entities that produce or pro-
12 vide communications equipment or services on
13 the list published under section 2 of the Secure
14 and Trusted Communications Networks Act of
15 2019 (47 U.S.C. 1601).

16 (3) ADOPTION OF ENHANCED SECURITY MEAS-
17 URES.—In promulgating the rules required by para-
18 graph (2), the Commission shall also adopt a suite
19 of enhanced security measures, with which the Com-
20 mission shall require compliance as a condition of a
21 license issued by the Commission to land or operate
22 a submarine cable in circumstances in which the
23 issuance of such license may pose a risk to national
24 security interests of the United States that is not

1 addressed by the standard security measures adopt-
2 ed under such paragraph.

3 (4) PROHIBITION ON CERTAIN LICENSE CONDI-
4 TIONS.—In issuing a license to land or operate a
5 submarine cable, the Commission may not place on
6 such license a condition, with respect to any matter
7 that is the subject of a security measure adopted
8 under paragraph (2) or (3), that—

9 (A) requires the applicant to enter into a
10 security or similar agreement with the Com-
11 mittee or comply with any such agreement; or

12 (B) requires prior notice to and approval
13 or non-objection of the Committee.

14 (b) ADDITIONAL RULES.—Not later than 180 days
15 after the date on which the United States Submarine
16 Cable Security Policy is submitted to the Commission, the
17 Commission shall—

18 (1) in coordination with the Committee, pro-
19 mulgate rules regarding referral to and consider-
20 ation by the Committee, for review of risks to na-
21 tional security interests of the United States, of an
22 application for a license to land or operate a sub-
23 marine cable with respect to which the applicant
24 seeks to overcome a foreign adversary presumptive
25 disqualifying condition or foreign adversary cable

1 landing presumptive disqualifying condition in the
2 rules of the Commission;

3 (2) promulgate rules that permit an applicant
4 for a license to land or operate a submarine cable
5 to self-certify—

6 (A) if the Commission has issued such a li-
7 cense to such applicant (or to an affiliate of
8 such applicant that is wholly owned by the
9 same person as such applicant) in the 48-month
10 period preceding the date on which the relevant
11 application is submitted, that there have been
12 no material, non-pro forma changes to the own-
13 ership structure of such applicant since the
14 issuance of the previous license;

15 (B) that such submarine cable is at least
16 40-percent owned by entities that would meet
17 the criteria for self-certification under subpara-
18 graph (A) if such entities were applying for
19 such license; or

20 (C) that such applicant meets such other
21 ownership criteria as the Commission may es-
22 tablish as a basis for excluding an application
23 from referral to the Committee under sub-
24 section (c)(2) of section 7 of the Cable Landing
25 License Act, as added by this Act; and

1 (3) promulgate rules that—

2 (A) permit an applicant for a license to
3 land or operate a submarine cable to self-certify
4 whether the standard security measures adopt-
5 ed under subsection (a)(2) or the enhanced se-
6 curity measures adopted under subsection
7 (a)(3) are applicable to the landing or operation
8 of such cable; and

9 (B) in the case of a person who holds a li-
10 cense to land or operate a submarine cable
11 issued before the effective date of such rules
12 that is conditioned on compliance with a secu-
13 rity or similar agreement with the Committee,
14 permit such licensee to petition the Commission
15 to opt in to either the standard security meas-
16 ures adopted under subsection (a)(2) or the en-
17 hanced security measures adopted under sub-
18 section (a)(3) as a condition of such license, in
19 place of compliance with such agreement, if the
20 category of security measures proposed by such
21 person would be applicable to the landing or op-
22 eration of such cable on the date on which such
23 petition is filed.

24 (c) AMENDMENTS TO CABLE LANDING LICENSE
25 ACT.—

1 (1) IN GENERAL.—The Cable Landing License
2 Act is amended—

3 (A) in the first section—

4 (i) by inserting “in accordance with
5 section 7” after “has been issued”;

6 (ii) by striking “the President of the
7 United States” and inserting “the Com-
8 mission”; and

9 (iii) by striking “That any such
10 cable” and all that follows through “That
11 the conditions” and inserting “That the
12 conditions”;

13 (B) in section 2—

14 (i) by striking “the President” and in-
15 serting “the Commission”; and

16 (ii) by striking “he” and inserting
17 “the Commission”;

18 (C) in section 3, by striking “the Presi-
19 dent” and inserting “the Commission”; and

20 (D) by adding at the end the following:

21 **“SEC. 7. APPLICATION FOR AND ISSUANCE OF LICENSE TO**
22 **LAND OR OPERATE SUBMARINE CABLE.**

23 “(a) APPLICATION.—A person seeking a license to
24 land or operate a submarine cable shall submit to the
25 Commission an application for such license.

1 “(b) STREAMLINED CONSIDERATION.—

2 “(1) NOTICE OF ACCEPTANCE FOR FILING.—

3 “(A) IN GENERAL.—Not later than 20
4 days after the date on which an application is
5 submitted under subsection (a) or amended
6 under subparagraph (B), the Commission shall
7 transmit to the applicant a notice that informs
8 such applicant of—

9 “(i) whether or not such application is
10 accepted for filing; and

11 “(ii) if such application is not accept-
12 ed for filing, the basis for, and how such
13 applicant may cure, the nonacceptance.

14 “(B) OPPORTUNITY TO AMEND.—If a no-
15 tice transmitted under subparagraph (A) with
16 respect to an application informs the applicant
17 that such application is not accepted for filing,
18 such applicant may, not later than 10 days
19 after receiving such notice, amend such applica-
20 tion to cure the nonacceptance.

21 “(C) DEEMED ACCEPTANCE.—If the Com-
22 mission does not transmit a notice as required
23 by subparagraph (A) with respect to an applica-
24 tion during the period required by such sub-
25 paragraph, such application shall be deemed to

1 be accepted for filing on the day after the last
2 day of such period.

3 “(2) APPROVAL OR DENIAL.—

4 “(A) IN GENERAL.—The Commission shall
5 approve or deny an application submitted under
6 subsection (a)—

7 “(i) except as provided in clause (ii),
8 not later than 45 days after the date on
9 which the Commission transmits to the ap-
10 plicant a notice under paragraph (1)(A) in-
11 forming such applicant that such applica-
12 tion is accepted for filing, or not later than
13 45 days after the date on which such appli-
14 cation is deemed to be accepted for filing
15 under paragraph (1)(C), as the case may
16 be; or

17 “(ii) if the Commission refers such
18 application to the Committee for review in
19 accordance with subsection (c), not later
20 than 1 year after the date on which the
21 Commission transmits to the applicant a
22 notice under paragraph (1)(A) informing
23 such applicant that such application is ac-
24 cepted for filing, or not later than 1 year
25 after the date on which such application is

1 deemed to be accepted for filing under
2 paragraph (1)(C), as the case may be.

3 “(B) DEEMED APPROVAL.—

4 “(i) IN GENERAL.—If the Commission
5 does not approve or deny an application
6 submitted under subsection (a) during the
7 period required by subparagraph (A), such
8 application shall be deemed to be approved
9 on the day after the last day of such pe-
10 riod.

11 “(ii) COMPLIANCE WITH SECURITY
12 MEASURES.—Compliance with the stand-
13 ard security measures adopted under para-
14 graph (2) of section 2(a) of the United
15 States Submarine Cable Security Policy
16 Act of 2026 or the enhanced security
17 measures adopted under paragraph (3) of
18 such section, as applicable, shall be a con-
19 dition of a license to land or operate a sub-
20 marine cable that is issued as a result of
21 an application being deemed approved
22 under this subparagraph.

23 “(c) REFERRAL OF APPLICATION TO COMMITTEE.—

24 The Commission may refer an application submitted
25 under subsection (a) to the Committee for review only if—

1 “(1) the applicant seeks to overcome a foreign
2 adversary presumptive disqualifying condition or for-
3 eign adversary cable landing presumptive disquali-
4 fying condition in the rules of the Commission; or

5 “(2) the applicant is unable to make both—

6 “(A) the self-certification described in
7 paragraph (2) of section 2(b) of the United
8 States Submarine Cable Security Policy Act of
9 2026 under the rules promulgated under such
10 paragraph; and

11 “(B) the self-certification described in
12 paragraph (3)(A) of such section under the
13 rules promulgated under such paragraph.

14 “(d) LIMITATION ON ADDITIONAL SECURITY MEAS-
15 URES.—The Commission may not, as a condition of a li-
16 cense to land or operate a submarine cable, require compli-
17 ance with any security measures other than the standard
18 security measures adopted under paragraph (2) of section
19 2(a) of the United States Submarine Cable Security Policy
20 Act of 2026 or the enhanced security measures adopted
21 under paragraph (3) of such section, unless the Committee
22 submits to the Commission a petition that is found by the
23 Commission to demonstrate that the issuance of such li-
24 cense without such additional security measures would
25 pose a risk to national security interests of the United

1 States that is not addressed by such standard security
2 measures or enhanced security measures.

3 “(e) COMPLIANCE WITH SECURITY MEASURES.—

4 “(1) IN GENERAL.—A person who holds a li-
5 cense to land or operate a submarine cable shall
6 comply with—

7 “(A) the standard security measures
8 adopted under paragraph (2) of section 2(a) of
9 the United States Submarine Cable Security
10 Policy Act of 2026 or the enhanced security
11 measures adopted under paragraph (3) of such
12 section, as applicable to such license; and

13 “(B) any additional security measures on
14 which such license is conditioned in accordance
15 with subsection (d).

16 “(2) VIOLATIONS.—The Commission shall en-
17 force paragraph (1) as if such paragraph is a part
18 of the Communications Act of 1934 (47 U.S.C. 151
19 et seq.). A violation of such paragraph shall be con-
20 sidered to be a violation of the Communications Act
21 of 1934.

22 “(f) AUTHORITY TO LAND PENDING ACTION ON AP-
23 PPLICATION.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2) of this subsection, in the case of an appli-

1 cant for a license to land or operate a submarine
2 cable that has made the self-certification described
3 in paragraph (2) of section 2(b) of the United States
4 Submarine Cable Security Policy Act of 2026 under
5 the rules promulgated under such paragraph and
6 whose application is not subject to a foreign adver-
7 sary cable landing presumptive disqualifying condi-
8 tion in the rules of the Commission, such applicant
9 may land such cable subject to such pending applica-
10 tion after the date that is 20 days after the date on
11 which such applicant submits to the Commission and
12 the Committee, in such manner as the Commission
13 may by rule prescribe, a notification of the intent to
14 land such cable under this paragraph.

15 “(2) OBJECTION BY COMMITTEE.—

16 “(A) LANDING PROHIBITED.—

17 “(i) IN GENERAL.—An applicant for a
18 license to land or operate a submarine
19 cable may not land such cable under para-
20 graph (1) if, during the 20-day period that
21 begins on the date on which such applicant
22 submits to the Commission and the Com-
23 mittee the notification described in such
24 paragraph—

1 “(I) the Committee objects to the
2 landing of such cable and informs the
3 Commission and such applicant of
4 such objection and the basis for such
5 objection; and

6 “(II) the Commission concurs
7 with such objection and informs the
8 Committee and such applicant of such
9 concurrence and the basis for such
10 concurrence.

11 “(ii) DEEMED CONCURRENCE.—If,
12 during the 20-day period described in
13 clause (i), the Commission does not concur
14 with the objection of the Committee and
15 inform the Committee and the applicant
16 under subclause (II) of such clause, or no-
17 tify the Committee and such applicant of
18 the nonconcurrence of the Commission
19 with such objection and the basis for such
20 nonconcurrence, the Commission shall be
21 deemed to have concurred with such objec-
22 tion on the last day of such period.

23 “(B) REQUEST TO WITHDRAW CONCUR-
24 RENCE.—If an applicant submits to the Com-
25 mission a request for the Commission to with-

1 draw the concurrence of the Commission under
2 subparagraph (A) to an objection of the Com-
3 mittee to the landing of a submarine cable
4 under paragraph (1) by such applicant, and if
5 the Commission finds that the submission of
6 such applicant addresses the basis for such ob-
7 jection, the Commission may withdraw such
8 concurrence and such applicant may land such
9 cable under paragraph (1).

10 “(3) LIMITATION.—This subsection does not
11 authorize an applicant for a license to land or oper-
12 ate a submarine cable to operate such cable until
13 such time as such license is issued by the Commis-
14 sion, except that such applicant may operate such
15 cable to the extent necessary to construct and test
16 such cable.

17 “(4) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to preclude an ap-
19 plicant for a license to land or operate a submarine
20 cable from requesting from the Commission special
21 temporary authority with respect to such cable, in
22 accordance with the rules of the Commission.

23 **“SEC. 8. DEFINITIONS.**

24 “In this Act:

1 “(1) COMMISSION.—The term ‘Commission’
2 means the Federal Communications Commission.

3 “(2) COMMITTEE.—The term ‘Committee’
4 means the Committee for the Assessment of Foreign
5 Participation in the United States Telecommuni-
6 cations Services Sector established by Executive
7 Order 13913 (85 Fed. Reg. 19643) (or any suc-
8 cessor to such Committee).”.

9 (2) PROMULGATION OF RULES.—Not later than
10 180 days after the date on which the United States
11 Submarine Cable Security Policy is submitted to the
12 Commission, the Commission shall promulgate rules
13 to implement the amendments made by this sub-
14 section.

15 (d) DEFINITIONS.—In this section:

16 (1) CABLE LANDING LICENSE ACT.—The term
17 “Cable Landing License Act” means the Act entitled
18 “An Act relating to the landing and operation of
19 submarine cables in the United States”, approved
20 May 27, 1921 (47 U.S.C. 34 et seq.; 42 Stat. 8).

21 (2) COMMISSION.—The term “Commission”
22 means the Federal Communications Commission.

23 (3) COMMITTEE.—The term “Committee”
24 means the Committee for the Assessment of Foreign
25 Participation in the United States Telecommuni-

1 cations Services Sector established by Executive
2 Order 13913 (85 Fed. Reg. 19643) (or any suc-
3 cessor to such Committee).

4 (e) APPLICABILITY.—This section and the amend-
5 ments made by this section shall apply with respect to an
6 application for a license to land or operate a submarine
7 cable under the Cable Landing License Act that is pending
8 with the Commission on, or submitted to the Commission
9 on or after, the first date on which all of the rules required
10 to be promulgated by this section have taken effect, except
11 that subsections (b)(1)(C) and (b)(2)(B) of section 7 of
12 the Cable Landing License Act, as added by this Act, shall
13 not apply with respect to an application that was sub-
14 mitted to the Commission before such date.