

PURPOSE OF THE LEGISLATION

The purpose of H.R. 261, as ordered reported, is to amend the National Marine Sanctuaries Act to prohibit the Secretary of Commerce from prohibiting, or requiring any permit or other authorization for, the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a national marine sanctuary if such activities have been authorized by a Federal or State agency.

BACKGROUND AND NEED FOR LEGISLATION

Undersea cables have been used for more than 170 years¹ and are largely responsible for the growth of international telecommunications systems in recent decades. The current undersea cable network connects every continent except Antarctica and “carries about 95% of intercontinental global internet traffic, and 99% of transoceanic digital communications... including trillions in international financial transactions daily.”² The Federal Communications Commission (FCC) grants cable landing licenses for 25 years. However, like many other types of projects, the process to site, install, and approve these cables typically involves numerous agencies at the federal, state, and local levels. Under the National Marine Sanctuary Act (NMSA), the National Oceanic and Atmospheric Administration has the authority to issue Special Use Permits (SUPs) for certain categories of activities within a national marine sanctuary, if it is determined that the activity is needed to establish access to its resources or “promote public use and understanding of a sanctuary resource.” SUPs can often take years to acquire and can come with additional burdens and costs. Additionally, it has been noted that over the last 20 years, no new cables have been constructed within national marine sanctuaries due to regulatory burdens, including the SUP process.³

H.R. 261, as amended, addresses this issue by prohibiting the Secretary of Commerce from requiring any additional permit or authorization for an undersea cable in a sanctuary, including a SUP. Additionally, the bill removes the five-year timeline for SUPs in order to allow for broader activities within national marine sanctuaries.

COMMITTEE ACTION

H.R. 261 was introduced on January 9, 2025, by Rep. Earl L. “Buddy” Carter (R-GA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On January 23, 2025, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On June 25, 2025, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 261 by unanimous consent. Chairman Bruce Westerman (R-AR) offered an Amendment in the Nature of a Substitute designated

¹ Congressional Research Service. Undersea Telecommunication Cables: Technology Overview and Issues for Congress. September 13, 2022. <https://crsreports.congress.gov/product/pdf/R/R47237>.

² *Id.*

³ Comments of the North American Submarine Cable Association. National Oceanic and Atmospheric Administration. Notice of Modification to the Special Use Permit (SUP) Category for the Continued Presence of Commercial Submarine Cables within the National Marine Sanctuary System. October 1, 2024. <https://www.regulations.gov/comment/NOAA-NOS-2024-0089-0007>.

Westerman_022 ANS. The Amendment in the Nature of a Substitute was agreed to by voice vote. Ranking Member Jared Huffman (D-CA) offered an amendment to the Amendment in the Nature of a Substitute designated Huffman #1. The amendment was not agreed to by a roll call vote of 18 yeas to 25 nays, as follows:

[INSERT RC #11 Huffman #1 to Westerman ANS to HR 261 HERE]

The bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas to 18 nays, as follows:

[INSERT RC #12 On Favorably Reporting, as amended, HR 261 HERE]

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on January 23, 2025.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This Act may be cited as the “Undersea Cable Protection Act of 2025.”

Section 2. Prohibition on Prohibiting, or Requiring Permits or Other Authorizations For, Undersea Fiber Optic Cables Authorized by a Federal or State Agency.

Prohibits the Secretary of Commerce from prohibiting, or requiring an additional permit (including a special use permit) for, “the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a national marine sanctuary” if the project has been issued a license, lease, or permit by a Federal or State agency and is also in effect. This Section also ensures that interagency cooperation under the NMSA continues.

Section 3. Removing Restrictions on Activities Covered by Sanctuary Special Use Permits.

Removes the five-year timeframe for SUPs for other activities within national marine sanctuaries.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

PERFORMANCE GOALS AND OBJECTIVES

As required by clause 3(c)(4) of Rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the National Marine Sanctuaries Act to prohibit the Secretary of Commerce from prohibiting, or requiring any permit or other authorization for, the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a national marine sanctuary if such activities have been authorized by a Federal or State agency.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

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

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of Rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

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

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

[INSERT H261_Ram_xml HERE]

DISSENTING VIEWS

[INSERT H.R. 261 dissenting views HERE]

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

NATIONAL MARINE SANCTUARIES ACT

TITLE III—NATIONAL MARINE SANCTUARIES

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SEC. 310. SPECIAL USE PERMITS.

(a) **ISSUANCE OF PERMITS.**—The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary—

(1) to establish conditions of access to and use of any sanctuary resource; or

(2) to promote public use and understanding of a sanctuary resource.

(b) **PUBLIC NOTICE REQUIRED.**—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).

(c) **PERMIT TERMS.**—A permit issued under this section—

(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources; *and*

[(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

[(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and]

[(4)] (2) shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

(d) **FEES.**—

(1) **ASSESSMENT AND COLLECTION.**—The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

(2) **AMOUNT.**—The amount of a fee under this subsection shall be equal to the sum of—

(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

(B) costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

(C) an amount which represents the fair market value of the use of the sanctuary resource.

(3) **USE OF FEES.**—Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary—

(A) for issuing and administering permits under this section; and

(B) for expenses of managing national marine sanctuaries.

(4) **WAIVER OR REDUCTION OF FEES.**—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.

(e) **VIOLATIONS.**—Upon violation of a term or condition of a permit issued under this section, the Secretary may—

(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

(2) assess a civil penalty in accordance with section 307; or

(3) both.

(f) **REPORTS.**—Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(g) **FISHING.**—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

SEC. 310A. PROHIBITION ON PROHIBITING, OR REQUIRING PERMITS OR OTHER AUTHORIZATIONS FOR, UNDERSEA FIBER OPTIC CABLES AUTHORIZED BY A FEDERAL OR STATE AGENCY.

(a) *IN GENERAL.*—Notwithstanding any other provision of this Act, the Secretary may not prohibit, or require any permit, including any special use permit, or other authorization for, the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a national marine sanctuary if a license, lease, or permit has been issued by a Federal or State agency, and is in effect, authorizing such installation, continued presence, operation, maintenance, repair, or recovery.

(b) *INTERAGENCY COOPERATION.*—Nothing in this section shall be construed as altering existing requirements regarding interagency cooperation under section 304(d) in any Federal agency action described in that section and involving the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a national marine sanctuary.

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Dissenting Views on H.R. 261

H.R. 261 would prohibit the National Oceanic and Atmospheric Administration (NOAA) from requiring any authorization for the installation, continued presence, operation, maintenance, repair, or recovery of undersea fiber optic cables in a National Marine Sanctuary (NMS) if those activities have been previously approved by other Federal or State agencies. The bill would remove NOAA's authority under the National Marine Sanctuaries Act (NMSA) to conduct environmental review and charge fair market fees for major infrastructure projects in federally protected marine areas.

The National Marine Sanctuary System is a network of 17 national marine sanctuaries and two marine monuments covering over 629,000 square miles of marine and Great Lakes waters.¹ Congress established the system to safeguard America's natural and cultural marine resources while supporting their sustainable use. Recreational users frequent sanctuaries for activities such as boating, kayaking, wildlife viewing, and recreational fishing that's permitted within approximately 98% of the sanctuary system.² The sanctuary system generates \$8 billion in annual revenue and plays a critical role in preserving coastal ecosystems.³

Under section 310 of the National Marine Sanctuaries Act, NOAA may issue special use permits (SUPs) for activities within sanctuaries that are compatible with sanctuary purposes and do not destroy sanctuary resources. One such activity is the installation of submarine fiber optic cables, which facilitates internet access and telecommunications. NOAA conducts environmental review, assesses applicants' readiness, examines installation methods, and confirms no alternative location exists outside the sanctuary. NOAA also considers environmental impacts and consults with partner agencies and affected tribes. While ecosystems in some sanctuaries can recover from cable installation within months or years, cables can potentially cause long-term impacts that disrupt essential sanctuary features such as benthic habitat, water quality, and ocean noise levels.⁴

To obtain a permit for cable installation and maintenance, the Office of National Marine Sanctuaries (ONMS) conducts an environmental review and consults with partner agencies. The permit review includes an assessment of applicants' professional and financial readiness, examination of proposed installation methods, and confirmation that there is no alternative location for the cable except through the sanctuary. ONMS also considers how the project might

¹ NOAA. National Marine Sanctuary System. <https://sanctuaries.noaa.gov/> Last visited on June 20, 2025.

² National Marine Sanctuary Foundation. Go Fish: Recreational Fishing around the National Marine Sanctuary System <https://marinesanctuary.org/blog/go-fish-recreational-fishing-around-the-national-marine-sanctuary-system/>

³ NOAA. Sanctuaries: A Destination for Recreation. <https://sanctuaries.noaa.gov/magazine/1/america-and-ocean-recreation/>

⁴ NOAA. Guidelines on Best Environmental Practice (BEP) in Cable Laying and Operation. https://www.gc.noaa.gov/documents/2017/12-02e_agreement_cables_guidelines.pdf

affect resources, impact site value and existing uses, and potential risk mitigation strategies, weighing these factors against the socioeconomic and security implications of the project.

The need for a thorough review was demonstrated when Meta attempted to install an undersea cable off the coast of Tillamook County, Oregon. A drill bit broke during installation, leaving 1,000 feet of steel pipe on the seafloor and a spill of 6,500 gallons of drilling fluid. Meta paid less than \$400,000 in damages and fees but abandoned the equipment.⁵

This bill would also prevent NOAA from assessing fair market rents and fees for the use of marine sanctuaries, as is the practice under current law. Onshore agencies like the National Park Service and Bureau of Land Management charge rent for telecommunications rights-of-way,⁶ but this bill would exempt companies from paying fair compensation for the use of public resources. The bill would also eliminate NOAA's environmental review authority, removing safeguards for our nation's most precious natural, cultural, and historical resources in sanctuaries.

Additionally, the bill would transfer federal authority over protected marine areas to state agencies and other federal agencies, eliminating uniform environmental protections under the NMSA and creating a patchwork of inconsistent standards. The bill fails to specify which agencies could permit these activities and which permits, leases, or licenses would apply. Because the list of applicable permits and licenses is unknown, it is unclear whether NOAA would have the authority to ensure sensitive ecological or culturally significant areas are avoided or whether there are safeguards for Tribal consultation. This could violate Tribal sovereignty and government-to-government communication requirements.⁷ Some sanctuaries are co-managed with coastal treaty Tribes who would be excluded from management decisions affecting their treaty rights.

The bill's language would also strike key provisions from the NMSA for all special use permits. These provisions require 5-year renewals for special use permits and require NOAA to ensure that activities carried out under a special use permit be conducted "in a manner that does not destroy, cause the loss of, or injure sanctuary resources."⁸

During committee markup, Democrats offered an amendment to address the main concerns with the bill and preserve some basic safeguards under the National Marine Sanctuaries Act. This amendment would have allowed NOAA to collect rents, consult, ensure avoidance of sensitive

⁵ Oregon's Public Broadcasting. Ehrlich, April. [Amazon's subsea cable gets approval, but Oregon leaders want more regulation](#). August 14, 2023.

⁶ National Park Service <https://www.nps.gov/aboutus/right-of-way-permit.htm>; Bureau of Land Management <https://www.blm.gov/programs/lands-and-realty/rights-way/obtaining-right-of-way/row-fees> Last visited on June 20, 2025.

⁷ 3 NOAA, Policy and Permit Guidance for Submarine Cable Projects. https://nmssanctuaries.blob.core.windows.net/sanctuariesprod/media/archive/library/pdfs/subcable_final_guidance_2011.pdf

⁸ 16 U.S.C. 1441(c)(3).

areas, and verify bonding or insurance coverage. It would also have defined applicable state agencies and required public notice for permits and licenses issued in lieu of special-use permits. Unfortunately, Committee Republicans rejected this amendment.

H.R. 261 is an unnecessary handout to billionaire corporations that will create widespread confusion and threaten serious harm to our nation's Marine Sanctuaries and the thousands of small businesses and coastal economies that rely on healthy sanctuaries.

A handwritten signature in blue ink, reading "Jared Huffman", with a long horizontal flourish extending to the right.

Jared Huffman
Ranking Member
House Committee on Natural Resources