

Suspend the Rules and Pass the Bill, H.R. 3169, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
1ST SESSION

H. R. 3169

To require the inspection of certain foreign cranes before use at a United States port, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2023

Mr. GIMENEZ (for himself and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require the inspection of certain foreign cranes before use at a United States port, 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 “Identifying Adversarial
5 Threats at our Ports Act”.

1 **SEC. 2. FOREIGN CRANE INSPECTION AND PORT AND MARI-**
2 **TIME TRANSPORTATION SECURITY EN-**
3 **HANCEMENT.**

4 (a) IN GENERAL.—With respect to newly constructed
5 foreign cranes that are manufactured in a covered foreign
6 country or by a business entity domiciled in a covered for-
7 eign country procured for use at a United States port,
8 the Secretary of Homeland Security shall inspect any such
9 cranes that connect to an internal or external computer
10 network to ascertain the existence of potential cybersecu-
11 rity vulnerabilities.

12 (b) THREAT ASSESSMENT AND IDENTIFICATION.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary shall assess and identify the threat posed by
16 potential cybersecurity vulnerabilities of any existing
17 or newly constructed foreign crane in use at a
18 United States port.

19 (2) REMEDIATION.—Not later than 180 days
20 after identifying a potential cybersecurity vulner-
21 ability pursuant to paragraph (1) in a foreign crane
22 in use at a United States port that, in the deter-
23 mination of the Secretary of Homeland Security,
24 would negatively impact port security or maritime
25 transportation security, the Secretary, acting
26 through Commandant of the Coast Guard pursuant

1 to section 1.01-30 of title 33 Code of Federal Regu-
2 lations, shall ensure that electrical components, such
3 as computers and Programmable Logic Controllers,
4 associated with any such crane are reimaged and all
5 Ethernet switches are replaced.

6 (c) REPORT TO CONGRESS.—Not later than one year
7 after the date of enactment of this Act, the Secretary shall
8 brief the Committee on Homeland Security of the House
9 of Representatives and the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Senate regarding po-
11 tential cybersecurity vulnerabilities posed by existing or
12 newly constructed foreign cranes in use at United States
13 ports.

14 (d) DEFINITIONS.—In this section:

15 (1) BUSINESS ENTITY.—The term “business
16 entity” has the meaning given such term in section
17 334 of the Graham-Leach- Bliley Act (15 U.S.C.
18 6764).

19 (2) COVERED FOREIGN COUNTRY.—The term
20 “covered foreign country” means a country that—

21 (A) the intelligence community (as such
22 term is defined in section 3(4) of the National
23 Security Act of 1947 (50 U.S.C. 3003(4))) has
24 identified as a foreign adversary in its most re-
25 cent Annual Threat Assessment; or

1 (B) the Secretary of Homeland Security,
2 in coordination with the Director of National
3 Intelligence, has identified as a foreign adver-
4 sary that is not included in such Annual Threat
5 Assessment.

6 (3) **CYBERSECURITY VULNERABILITY.**—The
7 term “cybersecurity vulnerability” has the meaning
8 given the term “security vulnerability” in section
9 2200 of the Homeland Security Act of 2002 (6
10 U.S.C. 650).