

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3169
OFFERED BY MR. GIMENEZ OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Identifying Adversarial
3 Threats at our Ports Act”.

4 **SEC. 2. FOREIGN CRANE INSPECTION AND PORT AND MARI-**
5 **TIME TRANSPORTATION SECURITY EN-**
6 **HANCEMENT.**

7 (a) IN GENERAL.—The Secretary shall determine if
8 cybersecurity vulnerability exists with respect to a covered
9 foreign crane in use or procured for use at a facility for
10 which a security plan is required pursuant to subsection
11 (c) of section 70103 of title 46, United States Code.

12 (b) REMEDIATION.—Not later than 180 days after
13 making a determination in the affirmative under sub-
14 section (a), the Secretary shall take such actions as may
15 be necessary to remediate the cybersecurity vulnerability
16 at issue.

17 (c) REPORT.—Not later than one year after the date
18 of the enactment of this Act and annually thereafter for

1 two years, the Secretary shall submit to the Committee
2 on Homeland Security of the House of Representatives
3 and the Committee on Homeland Security and Govern-
4 mental Affairs of the Senate a report regarding the imple-
5 mentation of this section.

6 (d) DEFINITIONS.—In this section:

7 (1) BUSINESS ENTITY.—The term “business
8 entity” has the meaning given such term in section
9 334 of the Graham-Leach-Bliley Act (15 U.S.C.
10 6764).

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

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

18 (B) the Secretary of Homeland Security,
19 in coordination with the Director of National
20 Intelligence, has identified as a foreign adver-
21 sary that is not included in such Annual Threat
22 Assessment.

23 (3) COVERED FOREIGN CRANE.—The term
24 “covered foreign crane” means a crane that is man-

1 ufactured in a covered foreign country or by a busi-
2 ness entity domiciled in a covered foreign country.

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

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the department in which the Coast
10 Guard is operating.

