

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.

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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

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## 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 “Port Crane Security  
5 and Inspection Act of 2023”.

6 **SEC. 2. FOREIGN CRANE INSPECTION TRANSPORTATION**  
7 **AND PORT SECURITY AND MARITIME SECU-**  
8 **RITY ENHANCEMENT.**

9 (a) IN GENERAL.—With respect to newly constructed  
10 foreign cranes procured for use at a United States port

1 determined by the Secretary to be of high risk to port se-  
2 curity or maritime transportation security and that con-  
3 nect to the internet, the Secretary of Homeland Security  
4 shall, acting through the Cybersecurity and Infrastructure  
5 Security Agency, before such crane is placed into service  
6 at such port, inspect such crane for potential security risks  
7 or threats.

8 (b) SECURITY RISKS OR THREATS ASSESSMENTS.—  
9 Not later than 180 days after the date of enactment of  
10 this Act, the Secretary shall—

11 (1) assess the threat posed by security risks or  
12 threats of any existing or newly constructed foreign  
13 cranes in use at a United States port; and

14 (2) take any crane that poses a security risk or  
15 threat offline until such crane can be certified as no  
16 longer being a risk or threat.

17 (c) REPORT TO CONGRESS.—Not later than 1 year  
18 after the date of enactment of this Act, the Secretary shall  
19 brief the Committee on Homeland Security of the House  
20 of Representatives and the Committee on Homeland Secu-  
21 rity and Governmental Affairs of the Senate regarding for-  
22 eign crane security risks or threats posed by existing or  
23 newly constructed foreign cranes within United States  
24 ports.

25 (d) DEFINITIONS.—In this section:

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

3 (A) the intelligence community has identi-  
4 fied as a foreign adversary in its most recent  
5 Annual Threat Assessment; or

6 (B) the Secretary of Homeland Security,  
7 in coordination with the Director of National  
8 Intelligence, has identified as a foreign adver-  
9 sary that is not included in such Annual Threat  
10 Assessment.

11 (2) FOREIGN CRANE.—The term “foreign  
12 crane” means a crane for which any information  
13 technology and operational technology components in  
14 such crane that is connected into cyber infrastruc-  
15 ture at a port located in the United States was, in  
16 whole or in part, manufactured by an entity that is  
17 operating under ownership, control, or influence of a  
18 covered foreign country.

19 **SEC. 3. FOREIGN CRANE PROHIBITION.**

20 (a) IN GENERAL.—Notwithstanding any other provi-  
21 sion of law, a foreign crane—

22 (1) for which a contract was entered into on or  
23 after the date of enactment of this Act may not be  
24 operated at a port located in the United States; and

1           (2) operated at a port located in the United  
2 States may not operate foreign software on any date  
3 after the date which is 5 years after the date of en-  
4 actment of this Act.

5 (b) DEFINITIONS.—In this section:

6           (1) COVERED FOREIGN COUNTRY.—The term  
7 “covered foreign country” means a country that—

8                   (A) the intelligence community has identi-  
9 fied as a foreign adversary in its most recent  
10 Annual Threat Assessment; or

11                   (B) the Secretary of Homeland Security,  
12 in coordination with the Director of National  
13 Intelligence, has identified as a foreign adver-  
14 sary that is not included in such Annual Threat  
15 Assessment.

16           (2) FOREIGN CRANE.—The term “foreign  
17 crane” means a crane for which any software or  
18 other technology in such crane that is connected into  
19 cyber infrastructure at a port located in the United  
20 States was, in whole or in part, manufactured by an  
21 entity that is owned or controlled by, is a subsidiary  
22 of, or is otherwise related legally or financially to a  
23 corporation based in a covered foreign country.

24           (3) FOREIGN SOFTWARE.—The term “foreign  
25 software” means software or other technology, in

- 1 whole or in part, manufactured by a company wholly
- 2 owned by a covered foreign country.

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