

AMENDMENT TO RULES COMMITTEE PRINT 119-33
OFFERED BY MR. STEUBE OF FLORIDA

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON THE IMPORTATION OF CERTAIN ENERGY SYSTEMS BY ENTITIES WITHIN THE PEOPLE’S REPUBLIC OF CHINA.

(A) FINDINGS.

Congress finds the following:

(1) The People’s Republic of China (PRC) presents an incredible risk in infiltrating the energy grid of the United States.

(2) Energy storage systems manufactured in the PRC, and imported to the United States, are capable of containing remote monitoring capabilities.

(3) Such remote monitoring capabilities give the PRC unfiltered access to the electric grid of the United States, and such backdoor affords the PRC the capability to interfere with the reliability of our critical infrastructure systems.

(4) The Secretary of Commerce, through the Bureau of Industry and Security of the Department of Commerce, is responsible for ensuring that import and export control mechanisms are in accordance with strengthening the national security of the United States.

(5) Restricting the import of energy storage systems containing remote monitoring capabilities is necessary to protect the energy grid of the United States and safeguard the American people.

(B) PROHIBITION.

(a) IN GENERAL.—No person may import, or cause to be imported to the United States, any energy storage system containing remote monitoring capabilities manufactured with technology licensed or owned by—

(1) any entity organized under the laws of the People’s Republic of China (PRC) or any jurisdiction within the PRC; or

(2) any entity under the jurisdiction, control, authority, or oversight of the Chinese Communist Party (CCP).

(b) REGULATIONS.—

(1) CBP ENFORCEMENT.—Not later than 60 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall issue regulations to carry out this section, including by establishing mechanisms to allow U.S. Customs and Border Protection to identify products covered under such prohibition and enforce the prohibition.

(2) PERIODIC REVIEW.—Not later than 180 days after enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall review and determine whether to impose additional restrictions concerning energy storage systems containing remote monitoring capabilities.

(c) PENALTIES.—Whoever knowingly violates, or causes a violation of, the prohibition under subsection (a) shall be imprisoned for not more than 5 years, fined not more than \$250,000, or both, for each shipment of imports that contains one or more such articles.

(d) ANNUAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy and the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on PRC-developed energy storage systems containing remote monitoring capabilities in the United States.

(2) FORM.—The report required under paragraph (1) may include a classified annex.

(3) TERMINATION.—The requirement to submit reports under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Commerce, Science, & Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate;

(2) the term “energy storage system” means any device, module, or product that is capable of storing an electric current to discharge such current for use at a later time; and

(3) the term “remote monitoring capability” means any device that is capable of observing, collecting, analyzing, and disrupting the data of any information technology, communication, or critical infrastructure system.