

118TH CONGRESS
1ST SESSION

S. 939

To counter the spread of the LOGINK logistics information platform, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. COTTON introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To counter the spread of the LOGINK logistics information
platform, 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 “Securing Maritime
5 Data from Communist China Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
9 **TEES DEFINED.**—The term “appropriate congres-

10 sional committees” means—

1 (A) the Committee on Armed Services, the
2 Committee on Foreign Relations, the Com-
3 mittee on Homeland Security and Govern-
4 mental Affairs, and the Committee on Finance
5 of the Senate; and

6 (B) the Committee on Armed Services, the
7 Committee on Foreign Affairs, the Committee
8 on Homeland Security, and the Committee on
9 Ways and Means of the House of Representa-
10 tives.

11 (2) LOGINK.—The term “LOGINK” means
12 the public, open, shared logistics information net-
13 work known as the National Public Information
14 Platform for Transportation and Logistics by the
15 Ministry of Transport of the People’s Republic of
16 China.

17 (3) CRITICAL INFRASTRUCTURE.—The term
18 “critical infrastructure” has the meaning given the
19 term in section 721(a) of the Defense Production
20 Act of 1950 (50 U.S.C. 4565(a)).

21 **SEC. 3. COUNTERING THE SPREAD OF LOGINK.**

22 (a) PROHIBITIONS.—

23 (1) CONTRACTING PROHIBITION.—

1 (A) IN GENERAL.—The Department of De-
2 fense may not enter into or renew any contract
3 with any entity that uses—

4 (i) LOGINK;

5 (ii) any logistics platform controlled
6 by, affiliated with, or subject to the juris-
7 diction of the Chinese Communist Party or
8 the Government of the People’s Republic of
9 China; or

10 (iii) any logistics platform that shares
11 data with a system described in clause (i)
12 or (ii).

13 (B) APPLICABILITY.—Subparagraph (A)
14 applies with respect to any contract entered
15 into or renewed on or after the date that is 2
16 years after the date of the enactment of this
17 Act.

18 (2) PORTS AND CRITICAL INFRASTRUCTURE
19 BAN.—

20 (A) IN GENERAL.—Beginning on the date
21 that is 2 years after the date of the enactment
22 of this Act, the President shall—

23 (i) prohibit any entity which owns or
24 operates a port in the United States from
25 using or sharing data with a system de-

1 scribed in clauses (i) and (ii) of paragraph
2 (1)(A); and

3 (ii) prohibit any entity which owns or
4 operates other critical infrastructure in the
5 United States, as the President considers
6 appropriate, from using or sharing data
7 with a system described in such clauses.

8 (B) IMPLEMENTATION; PENALTIES.—

9 (i) IMPLEMENTATION.—The President
10 may exercise the authorities provided to
11 the President under sections 203 and 205
12 of the International Emergency Economic
13 Powers Act (50 U.S.C. 1702 and 1704) to
14 the extent necessary to carry out this para-
15 graph.

16 (ii) PENALTIES.—A person that vio-
17 lates, attempts to violate, conspires to vio-
18 late, or causes a violation of a prohibition
19 described in subparagraph (A) or any reg-
20 ulation, license, or order issued to carry
21 out that subparagraph shall be subject to
22 the penalties set forth in subsections (b)
23 and (c) of section 206 of the International
24 Emergency Economic Powers Act (50
25 U.S.C. 1705) to the same extent as a per-

1 son that commits an unlawful act de-
2 scribed in subsection (a) of that section.

3 (b) NEGOTIATIONS WITH ALLIES AND PARTNERS.—

4 (1) NEGOTIATIONS REQUIRED.—The President
5 shall enter into negotiations with United States al-
6 lies and partners, including those described in para-
7 graph (3), if the President determines that ports or
8 other entities operating within the jurisdiction of
9 such allies and partners are using an entity de-
10 scribed in subsection (a)(1)(A).

11 (2) ELEMENTS.—As part of the negotiations
12 described in paragraph (1), the President shall—

13 (A) urge governments to require entities
14 within their countries to terminate their use of
15 LOGINK and other platforms described in sub-
16 section (a)(1)(A);

17 (B) describe the threats posed by
18 LOGINK and other platforms described in sub-
19 section (a)(1)(A) to United States military and
20 strategic interests and the implications this
21 threat may have for the presence of United
22 States military forces in such countries;

23 (C) urge governments to cooperate with
24 the United States to counter attempts by the
25 People’s Republic of China at international

1 standards-setting bodies to spread LOGINK
2 and other platforms described in subsection
3 (a)(1)(A); and

4 (D) attempt to establish through multilat-
5 eral entities, bilateral or multilateral trade ne-
6 gotiations, military cooperation, and other rel-
7 evant engagements or agreements a prohibition
8 on the use of LOGINK and other platforms de-
9 scribed in subsection (a)(1)(A).

10 (3) ALLIES AND PARTNERS.—The countries
11 and entities with which the President shall conduct
12 the negotiations described in this subsection include,
13 but are not limited to—

14 (A) Japan;

15 (B) The Republic of Korea;

16 (C) The Philippines;

17 (D) Australia;

18 (E) North Atlantic Treaty Organization

19 members; and

20 (F) European Union members.

21 **SEC. 4. REPORT.**

22 Not later than one year after the date of the enact-
23 ment of this Act, the President shall submit a report to
24 the appropriate congressional committees describing—

1 (1) the efforts made by the United States Gov-
2 ernment thus far in the negotiations described in
3 section 3(b), including whether the United States
4 Government has raised such negotiations in multilat-
5 eral trade and technology discussions and negotia-
6 tions;

7 (2) the actions taken by the governments of al-
8 lies and partners pursuant to the negotiation prior-
9 ities described in section 3(b);

10 (3) the possible effects that the contracting pro-
11 hibition under section 3(a)(1) and the port and
12 other critical infrastructure prohibition under section
13 3(a)(2) may have on United States military oper-
14 ations; and

15 (4) the possible effects that the port and other
16 critical infrastructure prohibition under section
17 3(a)(2) may have on the commercial operations of
18 United States ports and other critical infrastructure.

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