

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6313

To promote peaceful and collaborative resolution of maritime territorial disputes in the South China Sea and its environs and other maritime areas adjacent to the East Asian mainland.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. FALÉOMAVAEGA (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote peaceful and collaborative resolution of maritime territorial disputes in the South China Sea and its environs and other maritime areas adjacent to the East Asian mainland.

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. FINDINGS.**

4        Congress finds the following:

5                (1) The South China Sea contains vital com-  
6        mercial shipping lanes and points of access between  
7        the Indian Ocean and Pacific Ocean and provides a

1 maritime lifeline to Taiwan, Japan, and the Korean  
2 peninsula.

3 (2) China, Vietnam, the Philippines, Taiwan,  
4 Malaysia, and Brunei have disputed territorial  
5 claims over the Spratly Islands, and China, Taiwan,  
6 and Vietnam have disputed territorial claims over  
7 the Paracel Islands.

8 (3) In 2009, the Government of the People's  
9 Republic of China introduced the 9-dotted line (also  
10 known as the Cow Tongue line) to officially claim  
11 most of the 648,000 square miles of the South  
12 China Sea, more than any other nation involved in  
13 these territorial disputes.

14 (4) Although not a party to these disputes, the  
15 United States has a national economic and security  
16 interest in maintaining peace, stability and pros-  
17 perity in East Asia and ensuring that no party  
18 threatens or uses force unilaterally to assert mari-  
19 time territorial claims in East Asia, including in the  
20 South China Sea, the East China Sea, or the Yellow  
21 Sea.

22 (5) The Association of Southeast Asian Nations  
23 (ASEAN) has promoted multilateral talks in dis-  
24 puted areas without settling the issue of sovereignty.

1           (6) In 2002, ASEAN and China signed a Dec-  
2           laration on the Conduct of Parties in the South  
3           China Sea. That declaration committed all parties to  
4           those territorial disputes to “reaffirm their respect  
5           for and commitment to the freedom of navigation in  
6           and overflight above the South China Sea as pro-  
7           vided for by the universally recognized principles of  
8           international law”, and to “resolve their territorial  
9           and jurisdictional disputes by peaceful means, with-  
10          out resorting to the threat or use of force”. Yet, in  
11          September 2010, tensions were raised in the East  
12          China Sea off of the Senkaku (Diaoyutai) Islands,  
13          a territory under the legal administration of Japan,  
14          when a Chinese fishing vessel deliberately rammed  
15          Japanese Coast Guard patrol boats.

16          (7) The Government of the People’s Republic of  
17          China deliberately heightened these tensions by mak-  
18          ing a series of diplomatic protests, including on one  
19          occasion summoning the Japanese Ambassador after  
20          midnight, by threatening “further repercussions” if  
21          Japan did not immediately release the Chinese ship  
22          captain involved in the collisions, and by encour-  
23          aging anti-Japanese demonstrations in Chinese cit-  
24          ies.

1           (8) On February 25, 2011, a frigate from Chi-  
2           na’s navy fired shots at 3 fishing boats from the  
3           Philippines.

4           (9) On March 2, 2011, the Government of the  
5           Philippines reported that two patrol boats from  
6           China attempted to ram one of its surveillance ships.

7           (10) On May 26, 2011, a maritime security ves-  
8           sel from China cut the cables of an exploration ship  
9           from Vietnam, the Binh Minh, in the South China  
10          Sea in waters near Cam Ranh Bay in the exclusive  
11          economic zone of Vietnam.

12          (11) On May 31, 2011, three Chinese military  
13          vessels used guns to threaten the crews of four Viet-  
14          namese fishing boats while they were fishing in the  
15          waters of the Truong Sa (Spratly) archipelago.

16          (12) On June 3, 2011, Vietnam’s Foreign Min-  
17          istry released a statement that “Vietnam is reso-  
18          lutely opposed to these acts by China that seriously  
19          violated the sovereign and jurisdiction rights of Viet  
20          Nam to its continental shelf and Exclusive Economic  
21          Zone (EEZ).”.

22          (13) On June 9, 2011, three vessels from  
23          China, including one fishing vessel and two maritime  
24          security vessels, ran into and disabled the cables of

1 another exploration ship from Vietnam, the Viking  
2 2, in the exclusive economic zone of Vietnam.

3 (14) On June 13–14, 2011, the Government of  
4 Vietnam held a live-fire military exercise on the  
5 uninhabited island of Hon Ong, 25 miles off the  
6 coast of Vietnam in the South China Sea.

7 (15) On June 25, 2011, Chinese Peoples’ Lib-  
8 eration Army Major General (Ret.) Peng Guangqian  
9 stated in a television interview that “China once  
10 taught Vietnam a lesson. If Vietnam is not sincere,  
11 it will receive a bigger lesson”, adding that “If Viet-  
12 nam continues to act tough, play with the knife,  
13 sooner or later it will get cut.”.

14 (16) On June 26, 2011, the Chinese news agen-  
15 cy Xinhua announced that China and Vietnam had  
16 agreed to hold talks on how to resolve conflicts aris-  
17 ing from a sovereignty dispute over the South China  
18 Sea after a June 25 meeting in Beijing between Dai  
19 Bingguo, the senior Chinese official in charge of for-  
20 eign affairs, and Vietnamese Vice Foreign Minister  
21 and Special Envoy Ho Xuan Son.

22 (17) It was reported, on June 17, 2011, that  
23 the Philippines removed a string of wooden markers  
24 that Manila determined was placed by China in dis-

1       puted areas of the South China Sea amid growing  
2       regional tensions.

3               (18) On June 23, 2011, Secretary of State Hil-  
4       lary Rodham Clinton told visiting Philippines For-  
5       eign Secretary Albert del Rosario that “We are de-  
6       termined and committed to supporting the defense  
7       of the Philippines.”.

8               (19) Philippines Foreign Secretary del Rosario  
9       stated that the Philippines is a small country, but is  
10       “prepared to do what is necessary to stand up to  
11       any aggressive action in our backyard”.

12              (20) The United States, on June 23, 2011,  
13       stated that it was ready to provide hardware to mod-  
14       ernize the military of the Philippines.

15              (21) The United States and the Philippines  
16       conducted combined naval exercises in the Sulu Sea,  
17       near the South China Sea, from June 28 to July 8,  
18       2011.

19              (22) On June 17, 2011, China dispatched one  
20       of its largest patrol ships, the Haixun 31, on a voy-  
21       age through disputed areas of the South China Sea  
22       in a deliberate show of force en route to a port of  
23       call in Singapore.

24              (23) China’s official media stated that the sail-  
25       ing route of the Haixun 31 in the South China Sea

1 was determined to protect its “rights and sov-  
2 ereignty”.

3 (24) A spokesperson for Singapore’s Ministry of  
4 Foreign Affairs pointed out, on June 20, 2011, that  
5 “as a major trading nation, Singapore has a critical  
6 interest in anything affecting freedom of navigation  
7 in all international sea lanes, including those in the  
8 South China Sea”.

9 (25) Singapore further urged China to clarify  
10 its claims in the South China Sea with more preci-  
11 sion as the current ambiguity as to their extent has  
12 caused serious concerns in the international mari-  
13 time community.

14 (26) The actions of the Government of the Peo-  
15 ple’s Republic of China in the South China Sea have  
16 also affected United States military and maritime  
17 vessels transiting through international air space  
18 and waters, including the collision of a fighter plane  
19 of China with a United States surveillance plane in  
20 2001, the harassment of the USNS Impeccable in  
21 March 2009, and the collision of a Chinese sub-  
22 marine with the sonar cable of the USS John  
23 McCain in June 2009.

24 (27) In July 2010, People’s Daily, the official  
25 newspaper of the Chinese Communist Party, re-

1 ported that General Ma Xiaotian, deputy chief of the  
2 general staff of the People’s Liberation Army, said  
3 that China “strongly opposed” combined naval exer-  
4 cises to be conducted in the West (Yellow) Sea by  
5 the United States and the Republic of Korea.

6 (28) These exercises were to be conducted in  
7 international waters, as well as Republic of Korea  
8 territorial waters, in the vicinity of the site of the  
9 March 2010 North Korean torpedo attack on the  
10 South Korean military vessel Cheonan, which re-  
11 sulted in 46 deaths.

12 (29) These exercises were to include participa-  
13 tion by the USS George Washington aircraft carrier  
14 group.

15 (30) In July 2010, Chinese Major General Luo  
16 Yuan, a researcher at the Chinese Academy of Mili-  
17 tary Sciences, in an interview with a Hong Kong TV  
18 station, stressed the importance of the Yellow Sea as  
19 “a gateway to China’s capital region” and said that  
20 “if a U.S. aircraft carrier enters the Yellow Sea, it  
21 will become a living target”.

22 (31) On July 23, 2010, Secretary of State Hil-  
23 lary Rodham Clinton stated at the Association of  
24 Southeast Asian Nations Regional Forum that “the  
25 United States, like every nation, has a national in-



1       terest in freedom of navigation, open access to  
2       Asia’s maritime commons, and respect for inter-  
3       national law in the South China Sea”.

4               (32) Secretary Clinton further expressed the  
5       support of the United States for the Declaration by  
6       the Association of Southeast Asian Nations and  
7       China in 2002 on the Conduct of Parties in the  
8       South China Sea, and stated, “The United States  
9       supports a collaborative diplomatic process by all  
10      claimants for resolving the various territorial dis-  
11      putes without coercion.”.

12              (33) On October 12, 2010, former Secretary of  
13      Defense Robert Gates stated at the ASEAN Defense  
14      Ministers Meeting-Plus, “The U.S. position on mari-  
15      time security remains clear: we have a national in-  
16      terest in freedom of navigation; in unimpeded eco-  
17      nomic development and commerce; and in respect for  
18      international law.”. Former Secretary Gates further  
19      maintained “The United States has always exercised  
20      our rights and supported the rights of others to  
21      transit through, and operate in, international  
22      waters.”.

23              (34) On June 4, 2011, at the Shangri-La Dia-  
24      logue in Singapore, former Secretary Gates stated  
25      that “maritime security remains an issue of par-

1 ticular importance for the region, with questions  
2 about territorial claims and the appropriate use of  
3 the maritime domain presenting on-going challenges  
4 to regional stability and prosperity”.

5 (35) On June 5, 2011, at the Shangri-La Dia-  
6 logue, Liang Guanglie, the Defense Minister from  
7 China, said, “China is committed to maintaining  
8 peace and stability in the South China Sea.”.

9 (36) On June 14, 2011, Hong Lei, the spokes-  
10 man for the Chinese Foreign Ministry, stated that  
11 “China always upholds and has been committed to  
12 a proper resolution of differences and disputes over  
13 the South China Sea in a peaceful manner through  
14 bilateral direct negotiation and friendly consultation  
15 with relevant countries.”.

16 (37) On June 22, 2011, Chinese Vice Foreign  
17 Minister Cui Tiankai told reporters, in reference to  
18 the South China Sea disputes, that “I believe the in-  
19 dividual countries are actually playing with fire, and  
20 I hope the fire will not be drawn to the United  
21 States.”.

22 (38) On June 29, 2011, the Defense Ministry  
23 of the People’s Republic of China stated that “Re-  
24 cent drills by the Chinese navy are routine and not  
25 connected to the situation in the South China Sea”,

1 further calling for people to view the exercises in a  
2 “rational” way.

3 (39) On April 8, 2012, a Philippine plane spot-  
4 ted eight Chinese fishing boats in the vicinity of the  
5 Scarborough Shoal, which both countries claim.

6 (40) A Philippine coast guard cutter and two  
7 Chinese maritime surveillance craft began a tense  
8 10-day standoff, with the Philippine vessel, citing  
9 the upcoming typhoon season, withdrawing but the  
10 Chinese ships remained in the area. Moreover, China  
11 constructed barriers to prevent Philippine vessels  
12 from entering the Scarborough Shoal where it was  
13 reported that Chinese flags were raised.

14 (41) A Chinese foreign ministry spokesman  
15 condemned a long-planned joint military exercise be-  
16 tween the U.S. and the Philippines in April, saying  
17 “The major trend of the times in this region is peace  
18 and development. Military exercise does not rep-  
19 resent the major call of the times.”.

20 (42) In June of 2012, Vietnam passed a law  
21 claiming sovereignty over the Paracel and Spratly  
22 Islands and called for mutual respect for inter-  
23 national law.

24 (43) China quickly criticized the law, with a  
25 foreign ministry statement calling it a “serious viola-

1 tion of China’s territorial sovereignty” and that  
2 China expressed its “resolute and vehement opposi-  
3 tion”.

4 (44) In June of 2012, China’s cabinet, the  
5 State Council, approved the establishment of a pre-  
6 fecture-level government in the city of Sansha to  
7 oversee the areas claimed by China in the South  
8 China Sea.

9 (45) On June 23, 2012, the China National  
10 Offshore Oil Corporation invited bids for oil explo-  
11 ration in areas within 200 nautical miles of the con-  
12 tinental shelf and exclusive economic zone of Viet-  
13 nam.

14 (46) On June 28, 2012, the Chinese Defense  
15 Ministry announced that military authorities were  
16 considering establishing a military presence in the  
17 prefecture capitol of Sansha.

18 (47) Also on June 28, Chinese military press  
19 spokesman Senior Colonel Geng Yansheng an-  
20 nounced that the PLA had begun “regular, combat-  
21 ready patrols” in the South China Sea.

22 (48) On July 11, 2012, Chinese patrol ships  
23 were spotted near the disputed Senkaku (Diaoyutai)  
24 Islands in the East China Sea.

1           (49) When the Japanese coast guard told the  
2 Chinese ships to leave, the crew told them, “We are  
3 conducting official duty in Chinese waters. Do not  
4 interfere. Leave China’s territorial waters.”.

5           (50) Japan’s Vice Foreign Minister Kenichiro  
6 Sasae called the exchange “extremely serious” and  
7 “unacceptable,” and a government spokesperson was  
8 quoted as saying, “It is clear that historically and le-  
9 gally Senkaku is an inherent territory of Japan.”.

10          (51) At the July 2012 ASEAN Regional Forum  
11 (ARF), Secretary Clinton said, “We believe the na-  
12 tions of the region should work collaboratively and  
13 diplomatically to resolve disputes without coercion,  
14 without intimidation, without threats, and without  
15 the use of force.”.

16          (52) Although ASEAN has agreed on the ele-  
17 ments of the Code of Conduct (COC), China stated  
18 that it would enter negotiations with ASEAN on the  
19 COC “when the time is ripe”.

20          (53) A day following the conclusion of the ARF  
21 meeting on July 14, 2012, a Chinese naval warship  
22 ran aground while on patrol about 60 miles from the  
23 province of Palawan in the Philippines on Half  
24 Moon Shoal in the disputed Spratlys.

1           (54) While the grounded warship was in the  
2           process of removing itself from the Half Moon Shoal  
3           a day later, Xinhua announced that 30 Chinese fish-  
4           ing boats, guarded by an official government ship,  
5           had set sail for the South China Sea.

6           (55) On July 19, 2012, the Chinese Central  
7           Military Commission approved the establishment of  
8           the “military defense and watch zone of Sansha” at  
9           the division level.

10          (56) On July 26, 2012, China then appointed  
11          a Chief Commander and a Political Commissar of  
12          “the military defense and watch zone of Sansha”.

13          (57) On July 23, 2012, Philippine President  
14          Benigno Aquino III announced in his state of the  
15          nation address that the Philippines had purchased  
16          more than 40 military aircraft, including attack heli-  
17          copters and two refurbished C-130 cargo planes, as  
18          well as a second former U.S. Coast Guard cutter.

19          (58) In the nationally televised address before  
20          Congress, President Aquino stressed that he would  
21          not back down to Chinese pressure, saying “I do not  
22          think it excessive to ask that our rights be respected,  
23          just as we respect their rights as a fellow nation in  
24          a world we need to share.”.

1           (59) A day earlier, on July 22, China’s Central  
2           Military Commission approved the deployment of a  
3           garrison of soldiers to guard Chinese claims in the  
4           Spratlys, the Paracels and the Macclesfield Bank.

5           (60) On July 24, 2012, China declared a new  
6           municipality on Yongxing, or Woody Island, where  
7           the previously announced military garrison will be  
8           stationed.

9           (61) A State Department spokeswoman said  
10          that the United States is concerned about such “uni-  
11          lateral moves” and wants to see “all of these issues  
12          resolved at the table”.

13 **SEC. 2. SENSE OF CONGRESS.**

14          It is the sense of Congress that, in light of the con-  
15          gressional finding described in section 1, the Secretary of  
16          State should—

17               (1) reaffirm the strong support of the United  
18               States for the peaceful resolution of maritime terri-  
19               torial disputes in the South China Sea, the Taiwan  
20               Strait, the East China Sea, and the Yellow Sea and  
21               pledge continued efforts to facilitate a collaborative,  
22               peaceful proves to resolve these disputes;

23               (2) condemn the use of threat or force by naval,  
24               maritime security, and fishing vessels from China in  
25               the South China Sea and the East China Sea as well

1 as the use of force by China's North Korean ally in  
2 the Yellow Sea;

3 (3) note that overt threats and gun boat diplo-  
4 macy are not constructive means for settling these  
5 outstanding maritime disputes;

6 (4) call on all parties to these territorial dis-  
7 putes to refrain from threatening force or using  
8 force to assert territorial claims;

9 (5) welcome the diplomatic efforts of Associa-  
10 tion of Southeast Asian Nations (ASEAN) and the  
11 United States allies and partners in Taiwan, Japan,  
12 and the Republic of Korea to amiably and fairly re-  
13 solve these outstanding disputes; and

14 (6) support the continuation of operations by  
15 the United States Armed Forces in support of free-  
16 dom of navigation rights in international waters and  
17 air space in the South China Sea, the East China  
18 Sea, the Taiwan Strait, and the Yellow Sea.

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