

113TH CONGRESS  
1ST SESSION

# H. R. 772

To promote peaceful and collaborative resolution of the South China Sea dispute.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2013

Mr. FALEOMAVAEGA (for himself, Ms. ROS-LEHTINEN, and Mr. CHABOT) 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 the South China Sea dispute.

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, providing a  
8 maritime lifeline to India, Singapore, Malaysia, In-

1       Indonesia, the Philippines, Vietnam, Brunei, Taiwan,  
2       Japan, and the Korean 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 submitted to the United Nations  
10      a map with the 9-dotted line (also known as the Cow  
11      Tongue line) which raised questions about whether  
12      China officially claims most of the 1,423,000 square  
13      miles of the South China Sea, more than any other  
14      nation involved in these territorial disputes.

15              (4) In November 2012, China began to include  
16      a map of its territorial claims inside its passports,  
17      despite the protests of its neighbors, including Viet-  
18      nam and the Philippines.

19              (5) Although not a party to these disputes, the  
20      United States has a national economic and security  
21      interest in maintaining peace, stability, and pros-  
22      perity in East Asia and Southeast Asia, and ensur-  
23      ing that no party threatens or uses force or coercion  
24      unilaterally to assert maritime territorial claims in  
25      East Asia and Southeast Asia, including in the

1 South China Sea, the East China Sea, or the Yellow  
2 Sea.

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

6 (7) In 2002, ASEAN and China signed a Dec-  
7 laration on the Conduct of Parties in the South  
8 China Sea.

9 (8) That declaration committed all parties to  
10 those territorial disputes to “reaffirm their respect  
11 for and commitment to the freedom of navigation in  
12 and over flight above the South China Sea as pro-  
13 vided for by the universally recognized principles of  
14 international law”, and to “resolve their territorial  
15 and jurisdictional disputes by peaceful means, with-  
16 out resorting to the threat or use of force”.

17 (9) In July and November of 2010, the United  
18 States and our Republic of Korea allies conducted  
19 joint naval exercises in the Yellow Sea in inter-  
20 national waters, as well as Republic of Korea terri-  
21 torial waters, in the vicinity of the site of the March  
22 2010 North Korean attack on the South Korean  
23 military vessel Cheonan, these exercises drew objec-  
24 tions from Beijing over foreign operations in the  
25 Yellow Sea.

1           (10) In September 2010, tensions were raised  
2           in the East China Sea near the Senkaku (Diaoyutai)  
3           Islands, a territory under the legal administration of  
4           Japan, when a Chinese fishing vessel deliberately  
5           rammed Japanese Coast Guard patrol boats.

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

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

12          (13) On May 26, 2011, a maritime security ves-  
13          sel from China cut the cables of an exploration ship  
14          from Vietnam, the Binh Minh, in the South China  
15          Sea in waters near Cam Ranh Bay in the exclusive  
16          economic zone of Vietnam.

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

21          (15) On June 3, 2011, Vietnam’s Foreign Min-  
22          istry released a statement that “Vietnam is reso-  
23          lutely opposed to these acts by China that seriously  
24          violated the sovereign and jurisdiction rights of Viet

1 Nam to its continental shelf and Exclusive Economic  
2 Zone (EEZ)''.

3 (16) On June 9, 2011, three vessels from  
4 China, including one fishing vessel and two maritime  
5 security vessels, ran into and disabled the cables of  
6 another exploration ship from Vietnam, the Viking  
7 2, in the exclusive economic zone of Vietnam.

8 (17) The actions of the Government of the Peo-  
9 ple's Republic of China in the South China Sea have  
10 also affected United States military and maritime  
11 vessels and aircraft transiting through international  
12 air space and waters, including the collision of a  
13 Chinese fighter plane with a United States surveil-  
14 lance plane in 2001, the harassment of the USNS  
15 Victorious and the USNS Impeccable in March  
16 2009, and the collision of a Chinese submarine with  
17 the sonar cable of the USS John McCain in June  
18 2009.

19 (18) On July 23, 2010, former Secretary of  
20 State Hillary Rodham Clinton stated at the ASEAN  
21 Regional Forum that the United States, like every  
22 nation, has a national interest in freedom of naviga-  
23 tion, open access to Asia's maritime commons, re-  
24 spect for international law, and unimpeded com-  
25 merce in the South China Sea.

1           (19) On June 23, 2011, the United States stat-  
2           ed that it was ready to provide hardware to mod-  
3           ernize the military of the Philippines.

4           (20) The United States and the Philippines  
5           conducted combined naval exercises in the Sulu Sea,  
6           near the South China Sea, from June 28 to July 8,  
7           2011.

8           (21) On July 22, 2011, an Indian naval vessel,  
9           sailing about 45 nautical miles off the coast of Viet-  
10          nam, was warned by a Chinese naval vessel that it  
11          was allegedly violating Chinese territorial waters.

12          (22) In June 2012, China's cabinet, the State  
13          Council, approved the establishment of the city of  
14          Sansha to oversee the areas claimed by China in the  
15          South China Sea.

16          (23) In July 2012, Chinese military authorities  
17          announced that they had established a corresponding  
18          Sansha garrison in the new prefecture.

19          (24) On June 23, 2012, the China National  
20          Offshore Oil Corporation invited bids for oil explo-  
21          ration in areas within 200 nautical miles of the con-  
22          tinental shelf and within the exclusive economic zone  
23          of Vietnam.

1           (25) Since July 2012, Chinese patrol ships have  
2           been spotted near the disputed Senkaku (Diaoyutai)  
3           Islands in the East China Sea.

4           (26) At the July 2012 ASEAN Regional  
5           Forum, former Secretary of State Clinton said, “We  
6           believe the nations of the region should work collabo-  
7           ratively and diplomatically to resolve disputes with-  
8           out coercion, without intimidation, without threats,  
9           and without the use of force”.

10          (27) In November 2012, a regulation was ap-  
11          proved by the Hainan People’s Congress authorizing  
12          Chinese maritime police to “board, search” and even  
13          “take over” ships determined to be “illegally enter-  
14          ing” South China Sea waters unilaterally claimed by  
15          Beijing.

16          (28) At a meeting with the Japanese Foreign  
17          Minister on January 18, 2013, former Secretary of  
18          State Clinton stated that “although the United  
19          States does not take a position on the ultimate sov-  
20          ereignty of the (Senkaku) islands, we acknowledge  
21          they are under the administration of Japan”, adding  
22          that “We oppose any unilateral actions that would  
23          seek to undermine Japanese administration, and we  
24          urge all parties to take steps to prevent incidents

1 and manage disagreements through peaceful  
2 means”.

3 (29) On August 3, 2012, a Department of  
4 State spokesperson expressed concern over “China’s  
5 upgrading of the administrative level of Sansha City  
6 and the establishment of a new military garrison  
7 there”, expressed encouragement for ASEAN and  
8 China “to make meaningful progress toward final-  
9 izing a comprehensive Code of Conduct”, and called  
10 upon claimants to “explore every diplomatic or other  
11 peaceful avenue for resolution, including the use of  
12 arbitration or other international legal mechanisms  
13 as needed”.

14 **SEC. 2. SENSE OF CONGRESS.**

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

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

24 (2) condemn the use of threats or force by  
25 naval, maritime security, and fishing vessels from



1 China in the South China Sea and the East China  
2 Sea as well as the use of force by North Korea in  
3 the Yellow Sea that would escalate tensions or result  
4 in miscalculations;

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

8 (4) welcome the diplomatic efforts of Associa-  
9 tion of Southeast Asian Nations (ASEAN) and the  
10 United States allies and partners in Japan, the Re-  
11 public of Korea, Taiwan, the Philippines, and India  
12 to amiably and fairly resolve these outstanding dis-  
13 putes; and

14 (5) 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.

19 **SEC. 3. REPORT ON THE CODE OF CONDUCT FOR THE**  
20 **SOUTH CHINA SEA.**

21 (a) REPORT.—Not later than 180 days after the date  
22 of the enactment of this Act, the Secretary of State shall  
23 submit to the Committee on Foreign Affairs of the House  
24 of Representatives and the Committee on Foreign Rela-  
25 tions of the Senate a report on the Code of Conduct and

1 other peaceful measures for resolution of the territorial  
2 disputes in the South China Sea.

3 (b) FORM.—The report required under subsection (a)  
4 shall be submitted in unclassified form, but may contain  
5 a classified annex if necessary.

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